

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA) CAUSE NO. 5:11-CR-015
 (
vs.)
 (JUNE 25, 2012
) AMARILLO, TEXAS
KHALID ALI-M ALDAWSARI (9:00 A.M.

VOLUME 3 OF 5

TRIAL ON THE MERITS

BEFORE THE HONORABLE DONALD E. WALTER
UNITED STATES DISTRICT JUDGE
and a jury

SHAWN M. McROBERTS, RMR, CRR
1100 COMMERCE STREET, RM. 1654
DALLAS, TEXAS 75242
(214) 753-2349

A P P E A R A N C E S

FOR THE GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE
1205 TEXAS AVENUE, 7TH FLOOR
LUBBOCK, TEXAS 79401
(806) 472-7351

BY: MR. JEFFREY HAAG
MS. DENISE WILLIAMS
MR. MATTHEW KACSMARYK

UNITED STATES ATTORNEY'S OFFICE
1100 COMMERCE STREET, 3RD FLOOR
Dallas, TEXAS 75242
(214) 659-8725

BY: MR. JAMES JACKS

U.S. DEPARTMENT OF JUSTICE
NATIONAL SECURITY DIVISION
950 PENNSYLVANIA AVENUE, NW
ROOM 1538

WASHINGTON, DC 20530
(202) 514-7259

BY: MR. DAVID CORA

FOR THE DEFENDANT: COGDELL LAW FIRM, PLLC
1401 MCKINNEY STREET
SUITE 1625
HOUSTON, TEXAS 77010
(713) 426-2244

BY: MR. DAN COGDELL
MR. J. DAVID HESTER

PAUL DOYLE & ASSOCIATES
600 TRAVIS, SUITE 4700
Houston, TEXAS 77002
(713) 228-9200

BY: MR. PAUL DOYLE

OFFICIAL COURT REPORTER: SHAWN M. McROBERTS, RMR, CRR
1100 COMMERCE STREET, RM. 1654
DALLAS, TEXAS 75242
(214) 753-2349

INDEX**EXAMINATION**

Witness Name	Page
ATEF SHAFIK	
Direct By MR. HAAG	5
Cross By MR. HESTER	22
Redirect By MR. HAAG	24
KEVIN GENTRY	
Direct By MS. WILLIAMS	25
Cross By MR. DOYLE	38
Redirect By MS. WILLIAMS	44
Recross By MR. DOYLE	45
MICHAEL MORRIS	
Direct By MR. HAAG	46
Cross By MR. COGDELL	102
Redirect By MR. HAAG	109
KATHRYN HUGHES	
Direct By MR. HAAG	111
Cross By MR. DOYLE	124
Redirect By MR. HAAG	128
Recross By MR. DOYLE	128
LORETTA SMITHERMAN	
Direct By MR. HAAG	129
Cross By MR. COGDELL	161
Redirect By MR. HAAG	168
Recross By MR. COGDELL	170
AMY REESE	
Direct By MS. WILLIAMS	170
Cross By MR. DOYLE	177
MICHAEL ORNDORFF	
Direct By MR. HAAG	181

EXHIBITS

Government Exhibits	Page
No. 121,123,125,127,129,131,133 Admitted into Evidence	17
No. 169,171,172,174,178,180,182,184 Marked for Identification	17
No. 191,193,195,197,199,201,211,215 Marked for Identification	17
No. 186,187,188 Admitted into Evidence	17
No. 221,223,225,228,234,236,238 Admitted into Evidence	17
No. 277,279,281,287,293 Admitted into Evidence	17
No. 403, 413 Admitted into Evidence	17
No. 289, 291 Admitted into Evidence	22
No. 145-148, 150,151,153-158, 425 Admitted into Evidence	26
No. 149 Admitted into Evidence	29
No. 142 Admitted into Evidence	35
No. 311-314 Admitted into Evidence	60
No. 276,278,280,282,284,286,290,292 Admitted into Evidence	116
No. 283, 285, 291 Admitted into Evidence	117
No. 170,173,175-177,179,181,183,185 Admitted into Evidence	132
No. 190-274 Admitted into Evidence	136
No. 144, 159, 160-162 Admitted into Evidence	172
No. 163, 164 Admitted into Evidence	175
No. 11, 12 Admitted into Evidence	191
No. 165, 168 Admitted into Evidence	197
No. 294 Admitted into Evidence	203
No. 295-297 Admitted into Evidence	203
No. 310 Admitted into Evidence	204
No. 298-303 Admitted into Evidence	207
No. 304-308, 423, 424 Admitted into Evidence	237

1 THE COURT: Good morning. You may be seated until
2 the jury comes in.

3 I trust everybody had a good weekend. Anything before we
4 bring the jury in?

5 MR. COGDELL: I don't think so, Your Honor.

6 MR. HAAG: No, Your Honor.

7 THE COURT: Oh, good.

8 Bring the jury in, please.

9 (Whereupon, the jury entered the courtroom.)

10 THE COURT: You may be seated.

11 Good morning. Thank you very much for being so prompt.

12 Very good. We will get started right away.

13 Call your next witness.

14 MR. HAAG: Thank you, Your Honor. The United States
15 calls Atef Shafik.

16 (Whereupon, the oath was administered by the Clerk.)

17 ATEF SHAFIK,

18 Testified on direct examination by Mr. Haag as follows:

19 Q. Good morning, Mr. Shafik.

20 A. Good morning.

21 Q. Would you please state your name?

22 A. Atef Shafik.

23 Q. Would you please spell your name?

24 A. The first name is spelled A-T-E-F. Last name is spelled
25 S-H-A-F-I-K.

1 Q. How are you employed?

2 A. I am a language analyst with the FBI.

3 Q. What language do you translate for the FBI?

4 A. Arabic.

5 Q. Are you the senior Arabic language translator?

6 A. That is correct.

7 Q. Where is your office located at?

8 A. In Dallas, Texas.

9 Q. Would you please describe for the jury what an FBI
10 language analyst does?

11 A. A language analyst like myself translates all kind of
12 material from Arabic into English and vice versa.

13 Q. How long have you been an FBI language analyst?

14 A. Over 14 years.

15 Q. Let's talk about your background and your experience.
16 Where were you born at?

17 A. I was born and raised in Cairo, Egypt.

18 Q. Did you attend college in Egypt?

19 A. Yes, I did.

20 Q. What college did you attend?

21 A. I graduated from the Faculty of Languages from the
22 English Department.

23 Q. Where is that located at?

24 A. It is in a suburb of Cairo.

25 Q. When did you come to the United States?

1 A. That was in March 1991.

2 Q. Are you a United States citizen?

3 A. Yes, I am.

4 Q. Do you currently hold a security clearance from the
5 United States of America?

6 A. I do. I hold a top secret clearance.

7 Q. Do you speak and write Arabic fluently?

8 A. Yes, I do.

9 Q. Do you speak and write English fluently?

10 A. Yes, I do.

11 Q. Would you please explain for the jury the process of
12 becoming an FBI language analyst?

13 A. After the initial application to the FBI, there is a
14 battery of Arabic and English tests that the applicant must go
15 through, and those battery of tests test your knowledge in the
16 Arabic and the English languages at multi-level, test of the
17 oral, the speaking parts of the Arabic and English. There is
18 also written translation from and into Arabic, and there is
19 also comprehension Arabic and English. It is a multi-level
20 test.

21 Q. Are there different dialects of the Arabic language?

22 A. That is correct. There is a number of different
23 dialects. It depends only the country of origin in the Middle
24 East.

25 Q. Is it similar to the different dialects of English that

1 we have in the United States?

2 A. That is correct. It is also similar to the differences
3 between British English and Australian and American English.

4 Q. Are you fluent in more than one dialect?

5 A. That is correct. In order to be successful, as well as
6 the language battery of tests, you have to have multiple
7 knowledge of multiple dialects, not just one.

8 Q. How many different dialects of Arabic are you fluent in?

9 A. I would say at least five or six dialects.

10 Q. On your entrance test into the FBI to become a language
11 analyst, how did you score?

12 A. In my Arabic test I scored five out of five.

13 Q. Because of that perfect score, were you selected to
14 administer the test to other FBI language analyst applicants?

15 A. That is correct. I became certified later as an Arabic
16 tester, which means that for a number of years I administered
17 the Arabic oral test to the applicants.

18 Q. Are you certified by the FBI to review quality of work of
19 other FBI language analysts?

20 A. That is also correct. We have a language quality program
21 in the FBI, and I was certified to become a reviewer, which
22 means I review the work of other linguists.

23 Q. As an FBI language analyst, do you do any sort of
24 continuing education?

25 A. Definitely. In order to stay up with the current changes

1 in language, you have to have continuing education in Arabic
2 and in English.

3 Q. Describe for the jury what sort of continuing education
4 that you do.

5 A. There are two forms of continuous education. The first
6 form is that I have attended a number of translation and
7 interpretation workshops offered by the FBI. Some of these
8 workshops were offered at the Monterey Institute of
9 International Studies in Monterey, California.

10 Also the second more important field of my continuous
11 education is that I read extensively in the Arabic and English
12 languages to be familiar with the news and technology that is
13 common every day.

14 Q. And why is it so important to keep up with the current
15 events in the Middle East in order to be a Arabic linguist?

16 A. Because the Arabic language is so closely associated with
17 events in the Middle East, so in order for an linguist to stay
18 current and sharp on the language, definitely events in the
19 Middle East has a huge bearing on the language. So without
20 knowing what happens in the Middle East, there is no way a
21 linguist can stay up to par.

22 Q. How do you keep up with the current events in the Middle
23 East?

24 A. The single most important thing more for me is daily
25 reading. And by daily readings I don't mean just news. Of

1 course I spend a portion of my day browsing the news in the
2 Middle East and being familiar with events for the entire
3 Middle East.

4 Also I read extensively Arabic poetry, novels, drama, all
5 type of literature in the Arabic language.

6 Q. You said earlier that you were based in the Dallas FBI
7 office. Have you ever had the opportunity to serve outside
8 the Dallas FBI office in your capacity as an FBI language
9 analyst?

10 A. I did. I traveled and worked on multi different
11 assignments in the Middle East and also in some European
12 countries.

13 Q. During the course of your career, approximately how many
14 items in Arabic have you translated into English for the FBI?

15 A. Oh, God. It would have to be in the hundreds of
16 thousands at least.

17 Q. Have you ever testified in federal court as an expert in
18 the Arabic language before?

19 A. Yes, I have in the past--three times.

20 Q. What awards have you received from the Justice Department
21 and the FBI for your work as an FBI --

22 MR. HESTER: Your Honor, we are going to object to
23 relevance.

24 MR. HAAG: Your Honor, I am setting up this witness
25 as an expert --

1 THE COURT: We will do one more and then let's move
2 on.

3 MR. HAAG: I have one more.

4 THE COURT: And you can tender him. Go ahead.

5 Q. (BY MR. HAAG) What awards have you received from the
6 Justice Department or the FBI for your work as an FBI language
7 analyst?

8 A. I have received a number of awards for substantial
9 outstanding services from the special agent in charge of the
10 Dallas field office. In 2009 I received -- I was the regional
11 winner of the language analyst of the year. And in 2010 I
12 received the Attorney General award for outstanding services
13 to the FBI.

14 MR. HAAG: Your Honor, I tender Mr. Shafik to the
15 Court as an expert in the Arabic language.

16 MR. HESTER: No objection.

17 THE COURT: Ladies and gentlemen, the rules of
18 evidence, in particular 702, Rule 702, says that if
19 scientific, technical, or specialized knowledge might assist
20 you to understand the evidence or to determine a fact at
21 issue, a witness qualified as an expert by knowledge, skill,
22 experience, training, or education may testify in the form of
23 an opinion.

24 I should tell you, an expert witness' testimony is to be
25 weighed just like anybody else's testimony. The fact that he

1 has the title "expert" label on him doesn't give him any more
2 credibility than any other witness. Okay?

3 Proceed.

4 MR. HAAG: Thank you, Your Honor.

5 Q. (BY MR. HAAG) Let's talk about the investigation in this
6 case of Khalid Aldawsari.

7 THE COURT: Let me finish that. If you decide that
8 expert's evidence is not sufficiently backed by training,
9 background, experience, and so forth, you can disregard it.
10 Now, that is the complete -- I apologize. That is the
11 complete instruction.

12 MR. HAAG: Thank you, Your Honor.

13 Q. (BY MR. HAAG) When did you become involved in this
14 investigation?

15 A. It was around mid March of 2011.

16 Q. Have you devoted a substantial amount of time to this
17 case?

18 A. Yes. Pretty much since mid March of 2011 I devoted a
19 majority of my time to translation done in this case.

20 Q. What materials have you reviewed in this case?

21 A. There is documents, like the journals, the handwritten
22 journals, there is videos, phone calls, emails exchange, and
23 videos on microphone overhears.

24 Q. We are going to be talking about some different type of
25 transcripts. What is the difference between a verbatim

1 transcript and a summary transcript?

2 A. A summary transcript usually captures the main idea, the
3 most important idea of a text, for instance, while leaving out
4 some minor details; while the verbatim translation is 100
5 percent translation of the meaning of the original text.

6 Q. We are going to talk about the distinction between one
7 more type of translation. What is the difference between a
8 verbatim translation and a literal translation?

9 A. Literal translation is substitution of a word for word,
10 and it is referred to linguistic circles usually as machine
11 translation. The problem with it, it misses out on a lot of
12 the meanings because meanings usually have more than just one
13 meaning per word. Verbatim translation is 100 percent
14 translation of the meaning of the text.

15 Q. Would you please give the jury an example of something
16 that you would catch in a verbatim translation but you would
17 not catch in a literal translation?

18 A. Certainly. If would take an expression used in ordinary
19 speech, for instance, if I say in English, "It is raining cats
20 and dogs," if I were to translate this into the Arabic while
21 leaving the cats and dogs into the translation, my translation
22 would be meaningless and the true meaning of the expression
23 would be lost. So if I were to perform a verbatim translation
24 of this expression, I would say something similar "It rained
25 heavily" or "It poured."

1 Q. Do transcripts that we are seeking to introduce into
2 evidence today, are these verbatim transcripts?

3 A. They are.

4 Q. How do you go about creating a verbatim transcript?

5 A. Let's say I am working on a page of Arabic text, for
6 instance, I would read the page entirely. If there is any
7 difficult text or difficult parts of the text, I would make
8 notation of that in a notebook. Then I have access to paper
9 dictionaries, online dictionaries. I can also consult with my
10 colleagues in the office and other field offices within the
11 FBI until I am sure I have the correct meaning, and then I
12 render the translation and then I review it multiple times to
13 ensure accuracy.

14 Q. How do you go about identifying the voices on any sort of
15 audio evidence?

16 A. Many a time a person would identify himself in the audio
17 saying, "I am such and such person." Once the person is
18 identified by name, then his voice becomes familiar. And if
19 that same person is again in an audio, then my ear recognizes
20 his voice.

21 Q. How do you go about learning the Defendant in this case
22 Mr. Khalid Aldawsari's voice?

23 A. I listened to several phone calls in which he identified
24 himself by name, and then later on in some other recordings I
25 was able to identify his voice through those initial

1 recordings.

2 Q. Does anyone at FBI review your work to ensure that it is
3 an accurate translation?

4 A. That is correct. There is different layers of review
5 conducted within the FBI. First of all, my colleagues in the
6 same field office review my work, and also through the quality
7 control program random samples of my work are taken and
8 reviewed for accuracy.

9 Q. Have you ever received a final unacceptable rating on any
10 of your translations?

11 A. No; never.

12 Q. Let's tush to your translations in this case. Were you
13 asked to translate certain items for the United States in this
14 case?

15 A. Yes. That is correct.

16 Q. Did anyone else assist you in making those translations?

17 A. Yes. A number of my colleagues in the Dallas Division
18 also assisted in producing the translations.

19 Q. Did you review those individuals' work for accuracy?

20 A. I did. And once I did, I put my name as the reviewer and
21 adopted those translations as my own.

22 Q. Have you reviewed the Government's exhibit list in this
23 case?

24 A. I have.

25 Q. And, in general, how are the translations ordered on the

1 United States' exhibit list?

2 A. The original material, whether it be text or audio, is
3 listed as its own exhibit followed by the translation as the
4 next exhibit.

5 MR. HAAG: Your Honor, I apologize. I am going to
6 have to read off several exhibit numbers, so I will try to go
7 slowly.

8 Q. (BY MR. HAAG) Prior to testifying today, have you
9 examined the following exhibits, and first with the journals,
10 Government's Exhibit No. 121, 123, 125, 127, 129, 131, and
11 133; with regard to the videos, No. 169, 171, 172, 174, 178,
12 180, 182, 184, 186, 187, and 188; on the emails, 191, 193,
13 195, 197, 199, 201, 211, 215, 221, 223, 225, 228, 234, 236,
14 238; next, on the microphone overhears, 277, 279, 281, 287,
15 and 293; and on the blog, 403 and 413? Prior to testifying
16 today, have you reviewed the Government's exhibits that I have
17 previously called out?

18 A. I have, yes.

19 Q. Did you mark those exhibits with any special identifiers?

20 A. Yes. Once I reviewed each exhibit, I initialed and I
21 dated the time I reviewed that exhibit.

22 Q. Are each of these exhibits true and correct translations
23 from Arabic into English?

24 A. Yes, they are.

25 Q. And are each of these exhibits fair and accurate to the

1 best of your ability?

2 A. They are.

3 MR. HAAG: Your Honor, at this time I move to admit
4 those Government's exhibits that I have previously called out.

5 MR. HESTER: Your Honor, as long as these aren't
6 coming in contrary to the Court's granting of the Defendant's
7 motion in limine, we have no objection.

8 THE COURT: I assume, they are within the
9 parameters. Right?

10 MR. HAAG: Yes, Your Honor. On all the --

11 THE COURT: With that assure 121, 123, 125, 127,
12 129, 131, 133, 169, 171, 172, 174, 178, 180, 182, 184, 186,
13 187, 188, 191, 193, 195, 197, 199, 201, 211, 215, 221, 223,
14 225, 228, 234, 236, 238, 277, 279, 281, 287, 293, 403, and 413
15 are received.

16 MR. HAAG: Thank you, Your Honor.

17 Q. (BY MR. HAAG) Next I would like to ask you to define a
18 few of the terms that we are going to be hearing about
19 throughout through the course of this trial.

20 A. Okay.

21 Q. And if you would, would you please spell these terms
22 before you define them so that the court reporter can get an
23 accurate spelling?

24 A. Yes.

25 Q. What does the word Allah mean?

1 A. Allah, which is spelled A-L-L-A-H, is the Muslim
2 reference to God.

3 Q. What does the word jihad mean?

4 A. Jihad is spelled --

5 MR. HESTER: And Your Honor, I believe with
6 reference to the specific definition he is going to give, we
7 are going to have a 403 objection.

8 THE COURT: You are going to have --

9 MR. HESTER: A 403 objection; yes, Your Honor.

10 THE COURT: I already ruled on that, I thought, but
11 maybe not.

12 MR. HESTER: Well, it is the specific nature of the
13 definition.

14 THE COURT: I am not sure I am following you.

15 MR. HESTER: Can we have a sidebar?

16 THE COURT: Yes. No need for the court reporter.

17 (Discussion at the bench, out of the hearing of the
18 reporter.)

19 THE COURT: Overruled.

20 Q. (BY MR. HAAG) What does the term "jihad" mean?

21 A. Jihad is spelled J-I-H-A-D, and it literally means
22 struggle. And what it means, it could be -- It has multiple
23 meanings. One of the meanings could be a peaceful struggle
24 within oneself; for instance, to rid oneself from sins and be
25 obedient to Allah. But it also has another meaning which has

1 a violent militant meaning which means pick up the weapons and
2 kill the enemies of Allah.

3 Q. And, if you would, would you give the jury an example of
4 jihad as used in the sense of an internal struggle, what
5 something like that would be?

6 A. If I say something like, "My jihad is to be obedient to
7 Allah," this is an indication that this is a peaceful type of
8 jihad.

9 Q. It would be something that someone would struggle with in
10 a peaceful manner in obedience to God.

11 A. That is correct. That would be an example of that.
12 Repenting from sins and obeying the commandments of Allah,
13 that would be a type of a peaceful jihad.

14 Q. In the context of translations that you did of
15 Mr. Aldawsari's, which version of jihad did he use that word
16 for?

17 A. Every time Mr. Aldawsari used jihad, it was always the
18 violent type which was always qualified killing the enemies of
19 Allah.

20 Q. In a related vein, what is a mujahedeen?

21 A. Mujahedeen is spelled M-U-J-A-H-E-D-E-E-N, and these are
22 the people who carry out jihads.

23 Q. What is a shahid?

24 A. Shahid is an Arabic word spelled S-H-A-H-I-D, and it is a
25 person who marches himself for Allah or for the homeland.

1 Q. And in a related way, what is martyrdom?

2 A. Martyrdom again is defined in Islamic theology as a
3 person who kills himself for Allah or for the homeland.

4 Q. Is martyrdom sought after by some Muslims?

5 A. That is correct. In Islamic theology martyrdom is the
6 highest honor that a Muslim can obtain to please Allah.

7 Q. What is an infidel?

8 A. Infidel, again according to Islamic theology, is any
9 non-Muslim. It could be Christian, could be Jew, could be
10 anybody that is a non-Muslim.

11 Q. What does the term "monkeys and pigs" refer to?

12 MR. HESTER: Your Honor, we have an objection to
13 this as well on 403.

14 THE COURT: I am going to permit it.

15 Q. (BY MR. HAAG) What does the term "monkeys and pigs"
16 mean?

17 A. Monkeys and pigs is a language that is used in the Quran
18 and other holy Islamic texts, and it is a derogatory to
19 non-Muslim, particularly Jews and Christians.

20 Q. What does the word "land of the two noble sanctuaries"
21 mean?

22 A. That is a reference to the Kingdom of Saudi Arabia which
23 is the host of the two holiest sites in Islam which are Mecca
24 and Medina.

25 Q. And what does the word "saluli" mean?

1 A. Saluli is a derogatory term that radical Islamists use to
2 refer to the rulers of Saudi Arabia who are Al Saud family.

3 Q. What does the term "land of the quiver" refer to?

4 A. That is a reference to Egypt.

5 Q. What does the word "Quran" mean?

6 A. Quran is the holy text that is revealed to Muhammad the
7 prophet of Islam. That is the holiest text in Islam.

8 Q. In a related way, what does the term "Hadith" mean?

9 A. Hadith is spelled H-A-D-I-T-H, and it is collection of
10 the sayings of Muhammad the prophet of Islam.

11 Q. What is the Ummah?

12 A. Ummah is spelled U-M-M-A-H, and it is an Arabic term that
13 refers to the entire Muslim nation; that is a nation without
14 any geographical boundaries.

15 Q. We spoke of a mujahedeen. If someone were to say
16 mujadid, what is that?

17 A. Mujahedeen, that is the plural. The singular of that is
18 mujahid, which is spelled M-U-J-A-H-I-D, and that is a
19 reference to a person who carries out violent jihads.

20 MR. HAAG: Your Honor, just to clarify, was
21 Government's Exhibit No. 289 admitted into evidence?

22 THE COURT: No.

23 MR. HAAG: I apologize. I must have missed a
24 number.

25 Q. (BY MR. HAAG) On your microphone overhears, were Exhibit

1 No. 289 the translations that you did?

2 A. That is correct.

3 Q. And was Government Exhibit No. 291 as well a translation?

4 A. Correct.

5 MR. HAAG: Your Honor, at this time move to admit
6 those two exhibits into evidence.

7 THE COURT: With the same understanding?

8 MR. HESTER: Same understanding.

9 THE COURT: As it is within the parameters of a
10 prior ruling, they are all received --

11 MR. HAAG: Thank you, Your Honor.

12 THE COURT: -- to now include 289 and 291.

13 MR. HAAG: Pass the witness, Your Honor.

14 CROSS EXAMINATION

15 By Mr. Hester:

16 Q. Mr. Shafik, good morning. How are you?

17 A. Good morning. I am fine, thank you.

18 Q. Good. My name is Dennis Hester. I am one of
19 Mr. Aldawsari's attorneys. I just have a few questions for
20 you today.

21 A. Certainly.

22 Q. Now, your role in this case was strictly to translate
23 Mr. Aldawsari's writings. Correct?

24 A. That is correct, yes.

25 Q. Okay. So you are not here to tell us about whether

1 Mr. Aldawsari had the components to build an explosive.

2 A. My role is strictly translation, but also the second part
3 of my name is the analyst, which means I also offer my opinion
4 on the meaning behind the lines; the things that a native
5 speaker like myself would capture.

6 Q. Okay. So you are not here to tell us about the
7 components of explosives. Correct?

8 A. That is correct.

9 Q. Okay. Or detonators, for that matter.

10 A. Correct.

11 Q. And you testified you translated some writings that refer
12 to terrorism in this case.

13 A. Yes. That is correct.

14 Q. Okay. And I take it you are fair and accurate in those
15 translations.

16 A. I was, yes.

17 Q. And you talked about summary translations and verbatim
18 translations. Do you remember that testimony?

19 A. I do.

20 Q. Okay. And is it fair to say that with respect to
21 writings that didn't refer to terrorism, you typically just
22 did summary translations of those?

23 A. Yes. That is correct.

24 Q. And at times you ignored anything that didn't deal with
25 terrorism. Right?

1 A. No, nothing was ignored. Everything was translated.
2 Just some things were translated verbatim and some were
3 translated as a summary.

4 Q. Okay. But a lot of Mr. Aldawsari's good writings that
5 didn't refer to terrorism you just did a summary translation.

6 A. A lot of those actually were translated verbatim.

7 Q. Okay. Well, let's go to a few examples.

8 MR. HESTER: Ms. Christensen, if we could go to
9 Government Exhibit No. 131 at page 45, please. Is that
10 No. 131? Maybe it is No. 133. I apologize. I will withdraw.
11 Never mind.

12 Pass the witness.

13 THE COURT: All right. Anything, Mr. Haag?

14 MR. HAAG: Yes, Your Honor; just briefly.

15 REDIRECT EXAMINATION

16 By Mr. Haag:

17 Q. Mr. Shafik, if you had received a request from the United
18 States to request to make a full verbatim translation of any
19 item, would you have done so?

20 A. Absolutely.

21 MR. HAAG: No further questions, Your Honor.

22 THE COURT: You may step down. Thank you, sir.

23 The witness is excused?

24 MR. HAAG: Yes, Your Honor.

25 THE COURT: You are excused.

1 Call your next witness.

2 MS. WILLIAMS: The United States calls Kevin Gentry.

3 (Whereupon, the oath was administered by the Clerk.)

4 KEVIN GENTRY,

5 Testified on direct examination by Ms. Williams as follows:

6 Q. Please state your name.

7 A. Kevin Gentry.

8 Q. How are you employed?

9 A. I am a special agent with the FBI.

10 Q. How long have you been with the FBI?

11 A. For eight years.

12 Q. Before the FBI, had you had prior law enforcement
13 experience?

14 A. Yes, ma'am. I was a U.S. Customs agent for three years.

15 Q. Before that what did you do?

16 A. Before that I was in college, and before that I was in
17 the Navy for ten years.

18 Q. To what office are you assigned in the FBI at this time?

19 A. The Dallas office.

20 Q. And in February of 2011, were you assigned to a
21 particular division or section within the FBI in Dallas?

22 A. Yes. I am on the Joint Terrorism Task Force and
23 Counterterrorism 3.

24 Q. Are you familiar with the investigation in this case?

25 A. Yes.

1 Q. In connection with this case, were records from special
2 sources requested by subpoena or search warrant?

3 A. Yes, ma'am.

4 Q. I want to refer your attention to what have been marked
5 for identification as Government's Exhibit No. 145, 146, 147,
6 148, 150, 151, 153, 154, 155, 156, 157, 158, and 425. Were
7 these items obtained by either search warrant or subpoena in
8 connection with this investigation?

9 A. Yes, ma'am.

10 Q. Were each of these items accompanied by a business
11 records certification from the entity from whom they were
12 being requested?

13 A. Yes, ma'am.

14 Q. Before testifying today, did you review each of these
15 exhibits?

16 A. Yes, ma'am.

17 MS. WILLIAMS: Your Honor, at this time I would
18 tender Government's Exhibit No. 145, 146, 147, 148, 150, 151,
19 153, 154, 155, 156, 157, 158, and 425.

20 MR. DOYLE: No objections, Your Honor.

21 THE COURT: Without objection then, No. 146 through
22 148, 150, 151, 153, 154 through 158, and 425 are received.

23 MS. WILLIAMS: And No. 145, Your Honor?

24 THE COURT: No. 145. Sorry.

25 MS. WILLIAMS: Thank you.

1 Q. (BY MS. WILLIAMS) Agent Gentry, let's start with
2 Government's Exhibit No. 145 and let's go to page 2. What is
3 this item?

4 A. This item is a return for IP address 75.101.159.173.

5 Q. From what company were these documents?

6 A. New Star or Suddenlink.

7 Q. What is reflected as the account holder?

8 A. Khalid Aldawsari.

9 Q. The accountholder's address?

10 A. 2400 Glenna Goodacre Boulevard, apartment 2303, lubbock,
11 Texas.

12 MS. WILLIAMS: Government's Exhibit No. 146.

13 Q. (BY MS. WILLIAMS) What is this set of documents?

14 A. This is a Google return for a YouTube account under the
15 username of worldfm99.

16 Q. What is the email address reflected in this document?

17 A. worldfm9-9@hotmail.com.

18 Q. What is the sign-up date for this username and email
19 address?

20 A. January 6, 2007.

21 Q. The country in which it was signed up?

22 A. Saudi Arabia.

23 Q. And the date of birth placed on this account?

24 A. 1990-04-25.

25 Q. Government's Exhibits No. 147, 148, and 149, do these

1 exhibits all go together?

2 A. Yes, ma'am.

3 Q. Let's start with No. 147. What are these records?

4 A. No. 147 is a Google return for YouTube account holder
5 under the username overtime00.

6 Q. Email address?

7 A. k.aldawsari@gmail.com.

8 Q. The sign-up date?

9 A. February 11th, 2007.

10 Q. The country?

11 A. Saudi Arabia.

12 Q. And the date of birth ascribed to this account?

13 A. 1985-04-25.

14 Q. What is Exhibit No. 148?

15 A. Exhibit No. 148 is a series of log-in times and dates and
16 IP addresses associated with overtime00.

17 Q. That we talked about in No. 147 with the Google --

18 A. Yes, ma'am.

19 Q. -- YouTube account holder.

20 In Government's Exhibit No. 148, does the IP address
21 listed down below in the bottom, 75.111, et cetera, does that
22 correlate or match with the IP address in Government's Exhibit
23 No. 145?

24 A. Yes, ma'am.

25 Q. What is Government's Exhibit No. 149?

1 THE COURT: Excuse me just one second. I don't have
2 No. 149 as admitted yet. I am looking at the transcript up
3 here and I don't see No. 149, and I don't have No. 149.

4 MS. WILLIAMS: I am sorry, Your Honor. I missed
5 that. If I may go back.

6 Q. (BY MS. WILLIAMS) Do Government's Exhibit No. 147, 148,
7 and 149 go together?

8 A. Yes, ma'am.

9 Q. Were they all received in response to a subpoena or
10 search warrant to Google and all came within the same records
11 certification?

12 A. Yes, ma'am.

13 MS. WILLIAMS: Your Honor, at this time I would
14 tender Government's Exhibit No. 149.

15 MR. DOYLE: Judge, if I could have an opportunity to
16 see what it is and make sure it is within the ruling, because
17 I don't have it within my --

18 THE COURT: All right.

19 MR. DOYLE: As long as they are --

20 THE COURT: Within the parameters of prior rulings,
21 No. 149 is received.

22 Q. (BY MS. WILLIAMS) Now please tell us what Government's
23 Exhibit No. 149 is.

24 A. Government Exhibit No. 149 is a -- It is 32 of the 107
25 videos that were originally sent to us as YouTube favorites

1 for YouTube user overtime00.

2 THE COURT: Do you want it shown?

3 MS. WILLIAMS: No, sir, thank you.

4 Q. (BY MS. WILLIAMS) So in Government's Exhibit No. 148,
5 did it have a listing of YouTube favorites for that user? I
6 am sorry. That is going to be No. 147.

7 A. Yes, ma'am. No. 147 did.

8 Q. No. 147 did. And how many were -- How many YouTube
9 videos were listed as favorites?

10 A. 107.

11 Q. Now, those 107, were they by common names like "my dog
12 did something funny," or how are they listed?

13 A. No, ma'am. They were identified by -- It appears to be
14 YouTube -- just a series of numbers and letters that have no
15 meaning to a known person.

16 Q. So now getting back to No. 147, what is -- Excuse me.
17 No. 149. What is No. 149?

18 A. No. 149 is 32 of those 107 videos.

19 Q. And it is not actually just the letters and numbers. It
20 is actually the videos that are represented by those letters
21 and numbers?

22 A. Yes, ma'am.

23 Q. What is Government's Exhibit No. 150?

24 A. Government Exhibit No. 150 is a return forum The Blogspot
25 fromfaraway90.blogspot.com.

1 Q. These are Google records?

2 A. Yes, ma'am.

3 Q. Regarding a blog. Is that correct?

4 A. Yes, ma'am.

5 Q. And what is the blog name in these records?

6 A. fromfaraway.

7 Q. The date it was created?

8 A. The date it was created was December 16th, 2008.

9 Q. Username?

10 A. k.aldawsari@gmail.com.

11 Q. And the email?

12 A. k.aldawsari@gmail.com.

13 Q. What is Government's Exhibit No. 151?

14 A. It is a Google return for YouTube username Abuzidan00.

15 Q. The email address attributed to this?

16 A. abu.zidan00@gmail.com.

17 Q. The sign-up date?

18 A. April 20, 2010.

19 Q. The country?

20 A. Saudi Arabia.

21 Q. The date of birth?

22 A. 1980-01-01.

23 Q. Just so we are going in order, what is Government's
24 Exhibit No. 153?

25 A. Government's Exhibit No. 153 is a Texas Tech University

1 student records.

2 Q. For who?

3 A. For Khalid Ali-M Aldawsari.

4 Q. We will get back to that in a minute.

5 What is Government's Exhibit No. 154.

6 A. It is a return from Texas Tech University on the
7 subscriber K. Aldawsari for their email accounts.

8 Q. What is the subscriber name on this account?

9 A. Khalid Aldawsari.

10 Q. The address?

11 A. 2400 Glenna Goodacre Boulevard, apartment 2303, Lubbock,
12 Texas.

13 Q. The email associated with this account?

14 A. k.aldawsari@ttu.edu.

15 Q. What is Government's Exhibit No. 155?

16 A. Student records from South Plains College for Khalid
17 Ali-M Aldawsari.

18 MS. WILLIAMS: If we will pull up page 5.

19 Q. (BY MS. WILLIAMS) What is the email address that was
20 given for this account?

21 A. k.aldawsari@gmail.com.

22 Q. Is there also an SPC or South Plains College email given
23 as an alternate?

24 A. Yes, ma'am.

25 Q. What is Government's Exhibit No. 156?

1 A. It is a Windows Live return from a Hotmail account. The
2 Hotmail account is f.k.n.800@hotmail.com.

3 Q. The first and last names of the subscriber?

4 A. John Micah.

5 Q. The country?

6 A. United Arab Emirates.

7 Q. And the region?

8 A. Dubai.

9 Q. What is Government's Exhibit No. 157?

10 A. It is another Windows Live return for the account
11 abuzidan00@live.com.

12 Q. First and last names?

13 A. Abu Zidan Al-Najdi.

14 Q. Country?

15 A. Saudi Arabia.

16 Q. And the alternate email given for this account?

17 A. abu.zidan00@gmail.com.

18 Q. Is this what we call a Hotmail account? What kind of
19 account is this? Do you know?

20 A. No. This is a live.com account. It is a Windows Live
21 account.

22 Q. Thank you.

23 THE COURT: Which one? You have two up there.
24 Which one?

25 MS. WILLIAMS: The records for this entire account,

1 Your Honor.

2 THE WITNESS: The Live account.

3 THE COURT: The Live account?

4 THE WITNESS: Yes, sir.

5 Q. (BY MS. WILLIAMS) What is Government's Exhibit No. 158?

6 A. Government Exhibit No. 158 is a return from AMA-TechTel
7 showing the subscriber for Raiders Pass Apartments.

8 Q. In this investigation, in addition to the Glenna Goodacre
9 address where Mr. Aldawsari lived have you learned of other
10 addresses where he may have lived?

11 A. Yes, ma'am. He had an address on 4th Street in Lubbock,
12 Texas.

13 Q. Government's Exhibit No. 425, what is this?

14 A. It is a Studio 6 receipt dated 4/6/2010.

15 Q. Does it show the person who rented the room at the
16 Studio 6?

17 A. Yes, ma'am.

18 Q. The name on that, please?

19 A. Khalid Aldawsari.

20 Q. The address given?

21 A. 3114 4th Street, apartment 306, in Lubbock, Texas.

22 Q. The date of stay?

23 A. 04/06/2010.

24 Q. And in what city was the Studio 6 received for?

25 A. Dallas, Texas. Actually I believe the stay was on April

1 5th, but he actually paid on April 6th; checked out on April
2 6th.

3 Q. Does Government's Exhibit No. 425 correlate to what was
4 offered into evidence on Friday?

5 THE COURT: As No. 142?

6 MS. WILLIAMS: Yes, Your Honor.

7 THE WITNESS: Yes, ma'am.

8 MS. WILLIAMS: At this time I would re-tender
9 Government's Exhibit No. 142.

10 MR. DOYLE: No objection, Your Honor.

11 THE COURT: Without objection, Exhibit No. 142 is
12 received.

13 Q. (BY MS. WILLIAMS) Let's go back to No. 142, Texas Tech
14 University student records. If you would, please look at
15 page 7. What is this page?

16 A. It is pre-English for academics and professionals at the
17 English Language Center, Vanderbilt University at Nashville,
18 Tennessee.

19 Q. For what student?

20 A. Khalid Aldawsari.

21 Q. Now, are all the documents within this exhibit concerning
22 with Mr. Aldawsari?

23 A. Yes, ma'am.

24 Q. On page 8 of this exhibit, would you please read the
25 highlighted portion in the middle of that box for

1 "achievements"?

2 A. He has accomplished more than the course objectives.

3 MS. WILLIAMS: Page 15, please.

4 Q. (BY MS. WILLIAMS) What is shown on this page?

5 A. It is a letter of financial support from SABIC.

6 Q. And would you remind us again what SABIC stands for?

7 A. Saudi Basic Industries Corporation.

8 Q. Would you please read the underlined portion in the next
9 paragraph?

10 A. "The estimated total amount of scholarship for the first
11 year, which is provided to the student, is \$45,000."

12 MS. WILLIAMS: Page 16, please.

13 Q. (BY MS. WILLIAMS) What is this page?

14 A. It is a letter from SABIC to the Office of Admissions at
15 Texas Tech University.

16 Q. And the first part of the letter, what does it indicate
17 that the next few documents are?

18 A. "Enclosed in a dossier of SABIC scholar Khalid
19 Aldawsari."

20 Q. Would you please read for us the paragraph labeled
21 "personal information"?

22 THE COURT: Slowly, please.

23 THE WITNESS: "Khalid Aldawsari is a scholarship
24 recipient with the Saudi Basic Industries Corporation (SABIC).
25 He received a level of excellent for his high school marks

1 reflected on his high school transcript and his percentage was
2 99.07."

3 Q. In the next paragraph, would you please read the
4 highlighted portion?

5 A. "SABIC's highly competitive scholarship program selects
6 the best and the brightest throughout the entire country of
7 Saudi Arabia. A selection committee is established to
8 interview the students both in Arabic and English and has them
9 take a battery of tests to measure their academic level,
10 personality, and leadership abilities. At the end of this
11 rigorous selection process, of the 130,000 graduating male
12 high school students, of which only 5,000 met the rigorous
13 SABIC scholarship program requirements, only 100 outstanding
14 students were invited to join the SABIC scholarship program."

15 MS. WILLIAMS: Page 18, please.

16 Q. (BY MS. WILLIAMS) On this document, from whom does it
17 reflect that this document came?

18 A. The Kingdom of Saudi Arabia Ministry of Education.

19 Q. And what does this document indicate it is?

20 A. It is a general secondary school transcript from the
21 years 2008 and 2007.

22 Q. What does it show that Mr. Aldawsari received for his
23 chemistry grade that year?

24 A. Ninety-eight.

25 Q. On page 20, what do these records show as the email

1 address given by Mr. Aldawsari to Texas Tech?

2 A. worldfm9-9@hotmail.com.

3 Q. And his major?

4 A. Chemical engineering.

5 Q. For what semester?

6 A. Fall 2009 at Texas Tech University.

7 MS. WILLIAMS: I will pass the witness, Your Honor.

8 CROSS EXAMINATION

9 By Mr. Doyle:

10 Q. Special Agent Gentry, you would agree with me that
11 whatever he took in Saudi Arabia did not translate well at
12 Texas Tech University?

13 A. I cannot answer that question.

14 Q. Well, can you tell the jury what his GPA ended up being
15 after his third semester at Texas Tech? You all didn't show
16 them that document, did you?

17 A. No, we did not.

18 MR. DOYLE: Okay. Can we go back to page 28 of
19 Government's Exhibit No. 153?

20 Q. (BY MR. DOYLE) And while she is pulling it up, would you
21 agree there are some engineering principles in building a
22 bomb?

23 A. I would agree to that.

24 Q. And chemistry principles?

25 A. I would agree to that.

1 Q. Okay. If we look at his first semester in the left
2 column, you can see he starts off pretty good with the basic
3 chemistry and in engineering. And if you go up, he ends up
4 with a 2.88. Okay?

5 If we could go back up to the top right of the second
6 semester. Okay. What is the first one up there?

7 "Engineering analysis." His grade was what?

8 A. An F.

9 Q. An F?

10 A. Yes, sir.

11 Q. Not real good.

12 "Principles of chemistry." Just a one hour course. He
13 got an A in that?

14 A. Yes.

15 Q. "Chemistry II." What did he receive?

16 A. An F.

17 Q. "Principles of physics."

18 A. A D.

19 Q. Not real good. Do you agree with me?

20 A. I agree.

21 Q. Move on to the third semester, which is right below it.
22 He tries to take "chemistry II" again, and what does he do?

23 A. He fails it again.

24 Q. He takes "principles of physics" and he gets?

25 A. An F.

1 Q. "Calculus"?

2 A. A D.

3 Q. You see his GPA down there?

4 A. Yes, I see both the current and the cumulative.

5 Q. 1.333. Not exactly a scholar. Do you agree?

6 A. I would agree that is not a grade that I would like.

7 Q. So whatever the 98 you all are showing the jury in Saudi
8 Arabia did not translate too well at Texas Tech University,
9 did it?

10 A. I think they are two different periods of time.

11 Q. Did not translate academically at Texas Tech, did it?

12 A. I can't answer that question.

13 Q. And the records you showed the jury from Vanderbilt, that
14 had nothing to do with chemistry, did it?

15 A. No, it did not.

16 Q. That was an ESL orientation language program. Correct?

17 A. That is correct.

18 Q. Based on these grades, you are going to agree that
19 Mr. Aldawsari certainly isn't the second coming of MacGyver,
20 is he?

21 A. I could agree to that.

22 Q. Some other records you subpoenaed, you subpoenaed his
23 cell phone records. Right?

24 A. Yes, sir.

25 Q. And you had all of his calls. You subpoenaed them as far

1 back as you could go. Correct?

2 A. Yeah. I am not testifying to that, but I believe that is
3 the case.

4 Q. You received those records. Right?

5 A. Yes.

6 Q. And certainly you all will analyze all of his phone
7 records to see who he is working with. Correct?

8 A. Yes.

9 Q. Did you all do that in this case?

10 MS. WILLIAMS: Your Honor, I am going to object.
11 Those records are not in evidence at this point, and I will
12 object.

13 MR. DOYLE: I am just asking if he did it.

14 THE COURT: So far, overruled.

15 Q. (BY MR. DOYLE) And would you all analyze to determine
16 who he is working with--the phone records?

17 A. Absolutely.

18 Q. And did that happen in this case?

19 A. You would have to talk to the case agent.

20 Q. Okay. You don't know?

21 A. I do not know.

22 Q. Did you also subpoena his bank records?

23 A. Yes, we did.

24 MR. DOYLE: And his bank records I guess is Exhibit
25 No. 144, and I would like to offer that into evidence. I

1 don't think you put that into evidence.

2 MS. WILLIAMS: I haven't yet. That is coming
3 through a different witness.

4 MR. DOYLE: Okay.

5 Q. (BY MR. DOYLE) So you didn't personally subpoena the
6 bank records?

7 A. No, sir.

8 Q. Okay. But you all were able as a team to look at what
9 kind of monies he had coming in and out. Correct?

10 A. We have a financial analyst that, yes, did that work.

11 Q. Okay. Based on your investigation of Mr. Aldawsari, did
12 you ever know of him to have any kind of cash coming in and
13 out?

14 A. I can't answer that question.

15 Q. Okay. Now, so the jury is clear about this, the fall
16 semester in 2010 was Mr. Aldawsari's last semester at Texas
17 Tech. Correct?

18 A. Yes.

19 Q. And as far as you know, he did not re-enroll after that.
20 Correct?

21 A. That is correct.

22 Q. He failed out.

23 A. That is correct.

24 Q. He then re-enrolled in South Plains College.

25 A. Yes.

1 Q. Correct? And you would agree with me that the classes
2 that he signed up at South Plains College for are not
3 scientific classes.

4 A. I would have to re-look at that. I am not sure at this
5 point.

6 Q. Would you mind taking a look at that?

7 A. No, they are not engineering or chemistry classes.

8 Q. You referenced a blog that was put into evidence earlier,
9 and Mr. Aldawsari was blogging, and the blog was connected
10 with his personal email account. Right?

11 A. That is correct.

12 Q. You guys didn't have much trouble determining who was
13 putting that stuff out on this blog.

14 A. No, sir.

15 Q. And just so the jury is clear, the 3114 4th Street
16 address, that was the place he lived before he moved into
17 Glenacre?

18 A. That is correct.

19 Q. It is not some stash house hidden that he could --

20 A. No, sir.

21 Q. It was his first residence?

22 A. Yes, sir.

23 Q. Okay.

24 MR. DOYLE: I pass the witness.

25

1 REDIRECT EXAMINATION

2 By Ms. Williams:

3 Q. In Government's Exhibit No. 153, on page 18, which were
4 his school records from Saudi Arabia, the 98 that he made in
5 chemistry was this out of a possible what?

6 A. One hundred.

7 Q. And down below, his third year grand point average, as
8 they say down at the bottom, was what?

9 A. 98.83.

10 Q. Now, these records in Government's Exhibit No. 153
11 reflect that he went to Vanderbilt University in Tennessee to
12 do what?

13 A. For English language training.

14 Q. And the records regarding his transcript at Tech, page
15 28, that second semester over there on the right, spring of
16 2010, the chem 1108, what did he make in that class?

17 A. He made an A.

18 Q. And chem 1308, what did he make in that class?

19 A. An F.

20 Q. Do you know the difference between chem 1108 and chem
21 1308?

22 A. Yes, ma'am.

23 Q. What is the difference?

24 A. Chem 1108 is a chemistry lab.

25 Q. The lab?

1 A. Yes, ma'am.

2 Q. And chem 1308 is what?

3 A. It is the actual, you know, class, the actual chemistry
4 class associated with the lab.

5 Q. The fall of 2010, on his transcript on the next page, the
6 semester that he finally flunked out of Tech, in your part of
7 the investigation, did you remember when Mr. Aldawsari started
8 ordering the chemicals that are the subject of this case?

9 A. Yes. In the fall of 2010.

10 MS. WILLIAMS: No further questions.

11 RECROSS EXAMINATION

12 By Mr. Doyle:

13 Q. Is there any grade lower than an F?

14 A. Not to my knowledge.

15 Q. And in an effort --

16 THE COURT: I don't often give recross. Don't waste
17 it.

18 MR. DOYLE: I am sorry.

19 Q. (BY MR. DOYLE) In an effort for full disclosure, you
20 all -- The lab you are talking about, you interviewed
21 Mr. Aldawsari's lab partner. Correct?

22 A. I did not.

23 Q. Are you aware an interview was done? This was a lab
24 where you had to work with somebody else. You knew that.
25 Right?

1 A. Yes.

2 Q. So part of his effort, or whatever he received, very well
3 could be dependent upon the ability of his partner. Correct?

4 A. I would say it is possible.

5 Q. And you are aware that his partner had less than good
6 things to say about him, aren't you?

7 THE COURT: Oh, no. That is it.

8 MS. WILLIAMS: Nothing further, Your Honor.

9 THE COURT: I will remind the jury again, questions
10 and statements of lawyers are not evidence.

11 All right. Are we finished with the witness?

12 MS. WILLIAMS: Yes, Your Honor.

13 THE COURT: You are free to go. Thank you, sir.

14 Call your next witness.

15 MR. HAAG: Your Honor, the United States calls
16 Special Agent Michael Morris.

17 (Whereupon, the oath was administered by the Clerk.)

18 MICHAEL MORRIS,

19 Testified on direct examination by Mr. Haag as follows:

20 Q. Good morning, Special Agent Morris.

21 A. Good morning, sir.

22 Q. Would you please state your name?

23 A. Yes, sir. My name is Michael S. Morris.

24 Q. How are you employed?

25 A. I am a special agent with the FBI.

1 Q. Are you also employed or do you work at a laboratory?

2 A. Yes, sir, I do.

3 Q. What is your position at the laboratory?

4 A. I am an examiner at the laboratory. I am also the
5 laboratory director.

6 Q. Which laboratory is that?

7 A. That is the North Texas Regional Computer Forensic
8 Laboratory.

9 Q. If you would, there is a microphone. If you will pull it
10 just a little closer to you.

11 A. Yes, sir.

12 Q. Where is your laboratory located at?

13 A. 301 North Market Street, Dallas, Texas.

14 Q. How long have you been a special agent with the FBI?

15 A. In two days it will be 24 years.

16 Q. When did you begin working as a computer forensic
17 examiner for the FBI?

18 A. Over 16 and a half years ago.

19 Q. When did you become certified as a computer forensic
20 examiner?

21 A. Sixteen and a half years ago.

22 Q. How many certifications from the FBI do you hold?

23 A. Eight, sir.

24 Q. Are you certified by any outside agencies?

25 A. Yes, sir. I am certified -- I am a -- We call it CISSP.

1 I am an A-certified through AccessData, and --

2 Q. You are going to be throwing a lot of new terms out for
3 the court reporter, so if you will spell those out slow or say
4 those slowly so he can --

5 A. CISSP is a certified information systems security
6 professional. It is an industry standard type certification,
7 like a CPA is for an accountant. A-certification is through a
8 company called AccessData. They are a forensic tool that we
9 use. And the last one is through GIAC. It is Global
10 Information Assurance Services, and it is -- I am certified as
11 a computer analyst through that as well.

12 Q. When did you become the director of the North Texas
13 Regional Computer Forensics Laboratory?

14 A. Twelve years ago, sir.

15 Q. Do you hold a Bachelor and Master's degree?

16 A. Yes, I do.

17 Q. In what subjects?

18 A. I hold a Bachelor's degree in accounting and a Master's
19 degree in auditing information systems.

20 Q. Is the North Texas Regional Computer Forensics Laboratory
21 accredited by any organization?

22 A. Yes, sir. We were the first laboratory in the federal
23 government and the first laboratory in Texas to be accredited
24 in the field of digital forensics through the American Society
25 of Crime Laboratory Directors Laboratory Accreditation Board,

1 and they are an industry standard accreditation board that
2 goes through and credits all kinds of crime labs, both
3 physical -- drug -- regular evidence, drug, blood, that type
4 of evidence, as well as computer forensics.

5 Q. Is your laboratory accredited in digital evidence and
6 computer evidence?

7 A. Yes, sir, it is.

8 Q. Have you participated in the inspections of other
9 forensics laboratories?

10 A. Yes, sir. In addition to my duties as the laboratory
11 director through ASCLD/Lab, I am also --

12 Q. And what does A-S-C-L-D stand for?

13 A. That is the American society of Crime Laboratory
14 Directors Laboratory Accreditation Board. That the body that
15 actually accredits laboratories. I am a certified assessor
16 for that board, so I will go out, go to laboratories, and
17 inspect them to see if they are meeting quality standards
18 promulgated by that group.

19 Q. Have you attended any specialized training in computer
20 forensics?

21 A. Yes, sir.

22 Q. During the course of your career, approximately how many
23 courses have you attended?

24 A. Over 85. And those would all be week- to two-week long
25 schools.

1 Q. Have you presented training to other agents about digital
2 evidence and computer forensics?

3 A. Yes, sir. Over the last course of my career, I have
4 provided training to law enforcement officers in over 15
5 different countries, including the United States, in computer
6 forensics and computer security.

7 Q. Since 1996, approximately how many pieces of digital
8 evidence have you personally analyzed?

9 A. Over a thousand.

10 Q. Since that time period, how many computer forensic exams
11 have you reviewed for quality assurance?

12 A. Over 5200 of them.

13 Q. Did you participate in drafting the quality standards for
14 the FBI in computer forensic examinations?

15 A. Yes, sir, I did.

16 Q. Do you serve on any advisory boards for computer
17 laboratories?

18 A. Yes, sir, I do. I am on the -- I am a technical advisor
19 to the ASCLD lab board, and what that means is if a laboratory
20 is using a new science in dealing with digital evidence, and
21 the inspectors go out and look at that laboratory and they go,
22 "What is this weird thing and are they using it correctly,"
23 the job of the technical advisor board is to review that and
24 make sure that that laboratory is using that piece of
25 technical equipment or software within the bounds of science.

1 MR. HAAG: Your Honor, at this point I would tender
2 Special Agent Morris to the Court as an expert in computer
3 forensics.

4 MR. COGDELL: No objection.

5 THE COURT: The witness may opine.

6 Q. (BY MR. HAAG) Let's go ahead and start, and if you
7 would, let's walk the jury through how you conduct a computer
8 forensic analysis.

9 A. Okay.

10 MR. COGDELL: Judge, before we do that, can I have
11 just a real quick sidebar with Mr. Haag? Thank you, Your
12 Honor.

13 Q. (BY MR. HAAG) Let's go ahead and start and we will walk
14 the jury through how you conduct an examination of a computer.

15 A. Okay. Once a piece of evidence comes into our
16 laboratory, it would get barcoded, put into our chain of
17 custody, and put in our evidence room. An examiner would then
18 go to the evidence room, check out a piece of evidence, they
19 bring it back to their examination area. They would then --
20 All of our evidence is sealed up in bags, you know, and
21 packaged, and so we would make sure the seals are correct. We
22 would take pictures.

23 We would then open up the bag, take pictures of the
24 evidence. In case anything is wrong with it, in case it has
25 been damaged or anything we would have a picture of it.

1 In this case--I will use an example--a laptop. The
2 laptop is there. We would then, after we take our pictures,
3 open it up, take the hard drive out of the laptop, take a
4 picture of the hard drive, we would initial and date both the
5 laptop and the hard drive. We would then connect the laptop
6 drive, the hard drive, up to what is called a write blocker.
7 It is a physical device. And its job is to make sure that
8 nothing can get back to that hard drive. We don't want to
9 alter or change the evidence at all. And so the write
10 blockers that we use, we verify them before we use them,
11 connect it to the hard drive, and the cable is connected from
12 the write blocker to the computer.

13 We then run a forensic tool and we make what we call an
14 image of the hard drive. That is a bit for bit copy of the
15 hard drive. Every 0 and 1 on that hard drive we copy off to a
16 file or series of files.

17 We then run what is called a pictographic hash against
18 the file and against the hard drive, and what it does, it
19 actually is a mathematical algorithm, and so we use that to
20 make sure that the copy of the hard drive we have is exactly
21 the copy -- it is exactly what is on that drive. If one bit
22 was off, that long number, it is a 128-bit number, would be
23 off. The letters would not match. And so that is what we
24 call a digital fingerprint to make sure that image is the same
25 as the original.

1 Once we have done that, we then work off the image copy.
2 We are done with the original evidence and we are now working
3 off of our copy that we have. That copy we then run against
4 forensic tools to use to go through the analysis. And the
5 analysis is dependent upon what the requester, in this case
6 the case agent, asked us to do.

7 Q. Is there a process by which you can post the information
8 from a computer onto a network where the agents can also look
9 at what is in the computer?

10 A. Yes, sir. The first request, in fact, by the case agent
11 on this case was for me to image it and process it and put it
12 on what we call Review Net. And so that is actually a network
13 so that the agent from his terminal -- I am in Dallas, Texas.
14 The agent is in Lubbock, Texas. He can log on from his FBI
15 terminal across an encrypted network and log into what we call
16 a virtual computer and see the evidence that we process. And
17 so they cannot change it. They cannot alter it. All they can
18 do is tag files that is important. Just like if you are
19 looking in your computer and you go, "Oh, yeah, I really like
20 that one," clicking on it all it does is bookmark it. They
21 can't delete it. They can't change it. That is all they can
22 do is bookmark.

23 Q. And let's talk a little bit about the hash value. We are
24 going to see the hash values you obtained in this case. But
25 you will obtain a hash value for the original and a hash value

1 for the copy. Is that correct?

2 A. That is correct, sir.

3 Q. Okay. And let's say that there is one period added onto
4 the copy. Would that change the hash value?

5 A. Absolutely.

6 Q. Go ahead.

7 A. If one bit, if you change the A to a B, if you put a
8 period somewhere, if you deleted a file, if you added a file,
9 you know, if you made any changes at all --

10 THE COURT: Capitalize a letter?

11 THE WITNESS: Capitalize a letter, yes, sir. Any
12 change at all would change the hash.

13 Q. (BY MR. HAAG) And what is the likelihood of two
14 computers having the exact same hash value?

15 A. In the wild the chance of that is infinitesimally small.
16 It is incredibly small. In fact, you would have better odds
17 that before each juror came into trial today, they each
18 stopped on their own at a grocery store --

19 MR. COGDELL: I am sorry. Objection; speculation.

20 THE COURT: I don't think he is speculating. I am
21 going to overrule.

22 Proceed.

23 MR. COGDELL: To be fair, I don't think he can
24 testify as to what the odds of the jurors doing, the same two
25 jurors doing --

1 THE COURT: I think he was merely being
2 illustrative. I don't think he is being particularly literal.
3 I am going to overrule the objection.

4 THE WITNESS: Anyway, if each juror were to purchase
5 a lotto ticket on their own without talking to each other and
6 then each of you won the lottery at the same time, which means
7 that each of you bought the same numbers, so that is the
8 difference in the odds, that each of you would be buying a
9 lotto ticket, picking the same numbers on your own, and you
10 all winning, you have a better chance of that than having two
11 files in the wild having the same hash value.

12 THE COURT: And just to be clear, that is not a
13 scientific answer. That is --

14 THE WITNESS: That is an illustrative answer, yes,
15 sir.

16 Q. (BY MR. HAAG) How many times do you obtain a hash value
17 in your computer forensic examination?

18 A. At least three; usually more than that. The first time
19 would be when we make our image, as I mentioned, we make our
20 first copy. The second time in this case when I put it on
21 Review Net for the case agent. When I get done processing it
22 with my forensic tool before I put it up there for the case
23 agent to look at, I want to make absolutely sure that nothing
24 has changed, so I run a hash of that image file again. The
25 third time, the case agent is done, they say, "Mr. Morris, I

1 am done. I want you to copy off all my bookmarked items for
2 me." I copy off of the bookmark items. I run a hash a third
3 time against the image to make sure nothing that, you know,
4 has changed.

5 Q. The steps that you just described, did you follow those
6 steps in analyzing the evidence in this case?

7 A. Yes, sir, I did.

8 Q. Let's go ahead and talk about your analysis of the
9 evidence here.

10 MR. HAAG: Would you please put up Government's
11 Exhibit No. 46 for me? This is what has been introduced into
12 evidence already.

13 Q. (BY MR. HAAG) And we see here a photograph of what the
14 actual physical exhibit is. Would you please tell the jury
15 what this is?

16 A. That is an ASUS laptop that was submitted to us.

17 THE COURT: What kind of laptop.

18 THE WITNESS: It is ASUS. It is A-S-U-S, sir.

19 Q. (BY MR. HAAG) Let's talk to Government's Exhibit No. 53,
20 please. Do you recognize this exhibit?

21 A. Yes, sir. That is a Lacie thumb drive that was submitted
22 on this case.

23 Q. Did you conduct an analysis of this item as well?

24 A. Yes, sir, I did.

25 Q. Let's talk about one of the first searches. On February

1 17th, 2011 did you conduct a search of these two exhibits--the
2 computer and the Lacie thumb drive?

3 A. Yes, sir; at the Defendant's residence.

4 Q. Was your search authorized by a court order?

5 A. Yes, sir, it was.

6 Q. At the time did you take those exhibits?

7 A. No, sir, I did not.

8 Q. On February 24th, 2011, did you receive these exhibits?

9 A. Yes, sir, I did.

10 Q. Did you take physical possession of them?

11 A. Yes, sir, I did.

12 Q. Who did you take possession of these items from?

13 A. From the case agent.

14 Q. Did you make images of these exhibits?

15 A. Yes, sir, I did.

16 Q. Did you place these images on Review Net?

17 A. Yes, sir, I did.

18 Q. What tool did you use to analyze Government's Exhibit

19 No. 46 and 53?

20 A. I used AccessData laboratory programs 3.3.

21 Q. And is that tool widely used and accepted by computer
22 forensic examiners?

23 A. Yes, sir, it is.

24 Q. Is it a reliable and accurate tool for forensically
25 examining a computer?

1 A. Yes, sir, it is.

2 Q. Did you discover any viruses or other malware on the ASUS
3 computer or the Lacie thumb drive?

4 A. Not any viruses or malware. I did find adware, a program
5 that would actually track -- If you went to Lubbock, Texas, it
6 would show restaurants and commercials basically on your web
7 page. And I also discovered a program that is packaged with
8 malware but is not malware in itself. It actually -- Its
9 purpose was if you ever launch an old .exe file, a DOS file,
10 a black window would pop up on your -- if you are using
11 Windows, and this program prevented that window from popping
12 up. It was not malicious in itself, but sometimes it is
13 packaged with malware.

14 Q. Where was that malware located on the ASUS computer, or
15 what we will call malware?

16 A. Again, it was not malware. It was already quarantined by
17 the virus software, the virus protection software that was
18 already installed on the computer.

19 Q. What was that virus protection software on the computer?

20 A. It was AVG.

21 Q. Did any virus or other type of malware affect the
22 evidence from what you recovered from the ASUS computer or the
23 Lacie thumb drive?

24 A. No, sir.

25 Q. In your opinion, was all of the evidence obtained from

1 the ASUS computer generated through the use of the computer?

2 A. Yes, sir, it was.

3 Q. In your opinion, was any of the evidence obtained from
4 either the ASUS computer or the Lacie thumb drive a result of
5 the evidence collection process or your evaluation of the
6 computers?

7 A. No, sir, it was not.

8 Q. We are going to talk about Government's Exhibit No. 311
9 through 314. Would you give the jury just an estimate of how
10 many pages or thousands of pages of documents of information
11 are contained on the computer and the Lacie thumb drive?

12 A. Hundreds of thousands of pages.

13 Q. Prior to testifying today, have you examined Government's
14 Exhibit No. 311 through 314?

15 A. Yes, sir.

16 Q. Who prepared these exhibits?

17 A. I did, sir.

18 Q. Do these exhibits fairly and accurately summarize the
19 relevant information that you extracted from the ASUS computer
20 and the Lacie thumb drive?

21 A. Yes, sir, they do.

22 MR. HAAG: Your Honor, at this time we move to admit
23 Government's Exhibit No. 311 through 314.

24 MR. COGDELL: May I have a sidebar?

25 THE COURT: You may.

1 MR. COGDELL: With Mr. Haag and the Court, Your
2 Honor.

3 (Discussion at the bench, out of the hearing of the
4 reporter.)

5 THE COURT: All right. I assume without objection
6 No. 311 through 314 are received.

7 MR. COGDELL: With the understanding that nothing in
8 there is afoul of the Court's previous rulings, yes, sir.
9 Thank you.

10 THE COURT: Within the parameter of the previous
11 rulings.

12 MR. HAAG: To be clear, Government Exhibit No. 311
13 through 314 are admitted?

14 THE COURT: Yes, sir.

15 MR. HAAG: Thank you, Your Honor.

16 We are going to go through Government's Exhibit No. 313.
17 That is going to be the PowerPoint. Let's go ahead and go to
18 page No. 2.

19 Q. (BY MR. HAAG) Would you describe for the jury what this
20 is a photograph of?

21 A. Yes, sir. That is a photograph of the ASUS laptop, both
22 from the outside and with the case opened.

23 MR. HAAG: Okay. If we can go to the next page,
24 please.

25 THE WITNESS: That is the back of the ASUS laptop

1 showing the serial number of the laptop, the make and model of
2 the laptop.

3 MR. HAAG: Turn to the next slide, please.

4 THE WITNESS: That is actually a picture of the hard
5 drive. I mentioned I took out the hard drive. That is my
6 initials and date and case number on there.

7 Q. (BY MR. HAAG) Okay. Where is your initials and date
8 located on this slide?

9 A. The very top, the MSM at the top, and the date is to the
10 left of that, right below it on the left.

11 Q. And this is a photograph of the hard drive taken from the
12 ASUS computer?

13 A. Yes, sir.

14 MR. HAAG: Go to the next slide, please. And we
15 see already two numbers that are highlighted. If we could
16 enlarge those, please.

17 Q. (BY MR. HAAG) We talked to the jury about obtaining hash
18 values. What is demonstrated on these slides?

19 A. These are actually the hash values I mentioned. The
20 first one we are seeing right now is the hash both as an MD5
21 and as a SHA1. Those are the two numbers you see there.
22 Those are actually the image files. You see the .E01 through
23 .E13. Those are actually the image files that are made by the
24 program that is the same as the original hard drive.

25 Q. And then down here at the bottom of the slide we see a

1 whole string of numbers and letters and "verified" at the end
2 of that. What does that mean to you as a forensic examiner?

3 A. It means that the hashes match and that the image is
4 exactly the same as the hard drive.

5 MR. HAAG: Let's go ahead and go to the next slide,
6 please.

7 Q. (BY MR. HAAG) What is this a picture of?

8 A. This was the Lacie thumb drive.

9 MR. HAAG: Slide No. 7, please.

10 Q. (BY MR. HAAG) We have talked about the hash values.
11 What does this slide represent?

12 A. The same process. This is actually the hash of the
13 actual Lacie hard drive, so it verifies the drive itself. And
14 then the next step after we make the copies -- you see in this
15 one there are three image files, and then there is a hash on
16 the bottom that shows that it verified. That way we know that
17 our copy, our image is the same as the hard drive.

18 MR. HAAG: Let's go to the next slide, please.

19 Q. (BY MR. HAAG) Would you please describe for the jury
20 what this slide is?

21 A. What this is is we are able to make a virtual computer
22 from our image file so that we can actually boot that image
23 file up and it thinks it is a computer. We do this a lot of
24 times so that we can see what was on the computer, what it
25 looked like to the person sitting at that actual computer

1 screen. This virtual computer would run just like his real
2 computer would, but it is really just computer files. And so
3 this is the desktop of that laptop.

4 Q. Is this how Mr. Aldawsari's computer would have looked?

5 A. Yes, sir.

6 MR. HAAG: Let's go to the next slide, please.

7 Q. (BY MR. HAAG) Would you please describe for the jury
8 what this slide is?

9 A. Yes, sir. On the prior exhibit that we had, one of the
10 icons on there was Real Player, and so if you double click on
11 Real Player you would get to the first screen right here.

12 If you can go ahead to the next one.

13 And you click over to Library and you get the second
14 screen.

15 Q. And what would show up on the second screen?

16 A. The second screen on here shows what items he could have
17 played with that program. And in the next slide we will see
18 what was played.

19 Q. Okay.

20 A. The picture on the left you see at the very bottom there
21 is a middle column there in the bottom. You see Islah No. 1
22 and No. 2, there is a file, dot dot dot dash BK, those files
23 right there. These are actual videos that have been played in
24 that order. For instance, the last one played was the Islah
25 No. 1 followed by No. 2, No. 3, all the way through No. 7. So

1 the first one you see was the last one that was played with
2 that program.

3 MR. HAAG: Let's go ahead and go to the other slide,
4 please.

5 Your Honor, may I approach the witness so he will have a
6 laser pointer?

7 THE COURT: Sure.

8 MR. HAAG: Thank you, Your Honor.

9 THE WITNESS: Sir, I am permitted to use this?

10 THE COURT: Sure.

11 Q. (BY MR. HAAG) Looking at this slide, would you tell the
12 jury what you did to obtain this information?

13 A. Yes, sir. I actually -- The prior slide you saw 1
14 through 7. If you actually click on each of those, if the
15 media had been on that computer when I clicked on it it would
16 have played. Okay? In this case it did not play. And I
17 don't know if you can see right there. You see where it says
18 D:/? That was another drive, another item that was supposed
19 to be connected to the computer and it was not. It was a
20 Lacie thumb drive. D was the Lacie thumb drive. So it could
21 not play that file because it was not connected to the virtual
22 computer, and so when it tried to it just said, "Hey, I can't
23 play. It is not there."

24 Q. And then, as you mentioned, we see in here it says D:/,
25 and then it has a series of dashes and letters. The signifier

1 D, what does that signify to you--what drive?

2 A. That was the Lacie thumb drive.

3 Q. So based on this, that file would have been played off of
4 the Lacie thumb drive?

5 A. Yes, sir, it would have.

6 MR. HAAG: Let's go to the next slide, please.

7 Q. (BY MR. HAAG) And before we talked too much further
8 about Real Player, when was Real Player installed on the
9 Defendant's computer?

10 A. It was installed in January of 2011.

11 Q. And since it was installed on January -- the end of
12 January 2011, how many times had real player been run on the
13 computer?

14 A. It was 198 times.

15 MR. HAAG: Let's go ahead and take a look here at
16 some of the other video files. And if you would, go and blow
17 up that portion to the left.

18 THE WITNESS: And again, all of these files that we
19 will see, 1 through -- actually 2 through 7 were played off
20 the D drive, off the Lacie thumb drive.

21 MR. HAAG: And let's go ahead and go over to the
22 other side, please.

23 THE WITNESS: And again, the key there is all of
24 them had the D: That tells it is an external drive, in this
25 case.

1 MR. HAAG: Let's move to the next slide, please.

2 Q. (BY MR. HAAG) And where was this video clip played from?

3 A. Again, from the Lacie thumb drive.

4 MR. HAAG: And moving over to the other side?

5 THE WITNESS: Also from the Lacie thumb drive.

6 Q. And were you able to match these videos and these
7 addresses that we are seeing here with the videos that were on
8 the Lacie thumb drive?

9 A. Yes, sir, I was.

10 MR. HAAG: Go to the next slide, please.

11 THE WITNESS: Another program that had been
12 installed on the computer with Skype, and it had been used one
13 time.

14 Q. (BY MR. HAAG) Would you please read for the jury what is
15 listed as the Skype name?

16 A. KhalidChemicale.

17 MR. HAAG: Go to the next slide, please?

18 Q. (BY MR. HAAG) Did you obtain some times from the
19 computer information?

20 A. Yes, sir, I did.

21 Q. And was there anything unusual about the time settings on
22 this computer and the times you obtained from this computer?

23 A. Yes, sir, there was.

24 Q. Would you please describe for the jury what happened?

25 A. Yes, sir. Would it be possible to blow the slide up a

1 little bit? Especially the highlighted --

2 What was unique about this computer, one of the things
3 that we do during our exam is the computer hardware itself has
4 a date and time that has been set. We always go and check the
5 date and time without the hard drive in, we fire up the
6 computer without the hard drive in it, check the date and time
7 to see what is set at. The date and time was very close, I
8 think it was off ten minutes from our actual time here and
9 when I was in Dallas, so central standard time. And again,
10 this was in February before daylight savings.

11 What was unique -- What we are looking at right here, I
12 ran the tool that allows me to look at the registry files of
13 the computer. The registry files in Windows are -- basically
14 it is brains. It keeps track of everything. It is a big file
15 cabinet that keeps track of all little things. Every time you
16 click something, add something, take something off that
17 Windows computer, it is all tracked within the registry.

18 So one of the registry keys that I looked at was to see
19 what time zone that the computer was set to. So it was unique
20 here, you would expect since we lived in central standard
21 time, the computer would have been set there. It wasn't. It
22 was set to eastern standard time. But even though it is set
23 to eastern standard time, the clock was set to the real
24 central standard time. The reason that is important is
25 because --

1 MR. COGDELL: Excuse me, Judge. I am going to
2 object to the reason that is important because he is
3 speculating as to the thinking of Mr. Aldawsari. Apparently
4 there is a ten-minute gap that he is going to --

5 MR. HAAG: Your Honor, if I may, it won't be
6 speculation about that. He is going to explain why the times
7 need to be adjusted for the later information that will come
8 in.

9 THE COURT: On that assurance, overruled.
10 You may proceed.

11 THE WITNESS: Thank you, sir.

12 The reason that that it is important is because one of
13 the programs that was being run was the Google browser that we
14 will talk about a little bit later. Because this time setting
15 was set to eastern standard time, it caused what is called
16 universal time of the files to be off by one hour. And the
17 reason that is important is because when you try to match
18 files from the computer to files on the outside, you use what
19 is called universal standard time, UTC, and that is because
20 those times should always be the same. Well, because the
21 computer was configured in this way, it caused the universal
22 times to be off by one hour. So later on when we try to match
23 outside computer files with the files on the computer they are
24 off by one hour.

25 MR. HAAG: Go to the next slide, please.

1 Q. (BY MR. HAAG) Would you please describe what is listed
2 on this slide?

3 A. Yes, sir. Again, this is from the Windows registry, and
4 this is actually the most recent docs. Windows actually keeps
5 track of the files that you have been opening. So a lot of
6 times if you use, say, Word, and you open up Word and you see
7 these files that you opened up in previous times, that is
8 because Windows is tracking that for you to make it easier for
9 you to use.

10 What this is, this is actually the -- For WMV, which is
11 actually Windows Media Player, these are actually Windows
12 videos, and so it is being tracked. The last one played was
13 No. 4, which is the one here on the top. Again, this
14 corresponds to what we just saw with Real Media. Followed by
15 No. 3, the file there, followed by No. 2, followed by No. 1,
16 followed by No. 0 there. So this is just a representation --
17 This is -- allows us to see what files were most recently
18 played.

19 Q. And are those files files that were from the Lacie thumb
20 drive as well?

21 A. Yes, sir, they were.

22 MR. HAAG: Let's go ahead and go to the other side,
23 please.

24 Q. (BY MR. HAAG) And what is listed here?

25 A. These are also files -- It is the same thing. It is a

1 different type of file. This is a Real Media file. The .RM
2 that you see on the end of the file name, it is a computer
3 video. It is just a different brand of video, if you will, a
4 different type of video. This is a Real Media video. And
5 again, the same concept. These are the videos that were
6 played. The last one played is No. 4. That was the last one
7 that was played, followed by No. 5, No. 3, No. 2, No. 1, and
8 then 0. It just again shows us the order of when things were
9 played from most recent to --

10 Q. And are these file names all file names from -- or most
11 of these Lacie thumb drive file names?

12 A. Yes, sir.

13 MR. HAAG: Let's go ahead and go to the next slide,
14 please.

15 Q. (BY MR. HAAG) Would you describe what the information is
16 on this slide?

17 A. Yes, sir. These are link files, shortcut files in
18 Windows. Windows tries to make things easier for you, and so
19 whenever you open up an application or open a file for the
20 first time it actually makes a shortcut so that the next time
21 you open it it will be quicker, and these are link files. And
22 so these allow us to see what has been run, what applications
23 have been run, what programs and files have been opened, and
24 that is what you see here.

25 And so could we possibly blow up some of the highlighted

1 area?

2 So what you see here is where they ran the application
3 trying to get my -- For instance, application data, real, Real
4 Player, this is where it is stored on the computer. History
5 shows a link file right here. So what this tells us is that
6 this file had been opened up by Real Player.

7 MR. HAAG: And let's go ahead and move over to the
8 side where we have got it highlighted. And if you would, draw
9 out just one second and we will blow that back up. And if you
10 just highlight the last two columns on the right side, please.

11 Q. (BY MR. HAAG) And we have in column H "created" and in
12 column I "accessed." What does that mean?

13 A. "Created" was the first time that that file was played,
14 the first time that was clicked on. For instance, one of the
15 videos, the first time it had been played, the created date
16 would generate. To the right of that we see "accessed." That
17 is the last time that that file was played.

18 Q. Can you tell from this how many times the video was
19 played in between that date range?

20 A. No, sir, because Windows only captures the first time it
21 was played and the last time it was played. You could have
22 only played it zero times in between or you could have played
23 it 1,000 times in between, but it only captures the first and
24 the last date.

25 Q. We have been talking about the videos on the Lacie thumb

1 drive. Were you able to determine when the videos were placed
2 on the Lacie thumb drive?

3 A. They had -- A lot -- Most of the videos had dates back in
4 October of 2010.

5 Q. And how were those -- Did you have any marker or
6 indication as to what sort of computer wrote those video files
7 to the Lacie thumb drive?

8 A. Yes, sir, I did. As far as -- In addition to the videos
9 that were on the Lacie thumb drive, there were folders on
10 there that are created when you stick a device into an Apple
11 computer that are not created when you stick it into a Windows
12 computer. So I saw those folders on there. Now, that being
13 said, then, that those videos could have come from an Apple
14 computer, based on that file structure.

15 Q. During the course of your investigation, did you learn
16 that Mr. Aldawsari had previously had an Apple computer?

17 A. Yes, sir, I did.

18 Q. What happened to that Apple computer?

19 A. The Apple computer had been sold to another person. The
20 government found it, retrieved it, brought it in to the lab
21 for examination. The computer had been completely wiped and
22 the operating system had been reloaded, and so there is no
23 prior data on there.

24 THE COURT: Is this a good time for a morning break?

25 MR. HAAG: Yes, Your Honor.

1 THE COURT: Okay. Fifteen minutes, ladies and
2 gentlemen.

3 (Whereupon, the jury left the courtroom.)

4 THE COURT: Okay. Fifteen-minute recess.

5 (Brief recess.)

6 THE COURT: Anything before we bring the jury in?

7 MR. COGDELL: I don't want to run afoul of the FISA
8 ruling such as it is, but I think I am entitled to inquire on
9 cross examine what, either through this witness or others,
10 were aware of once the FISA observing devices were installed,
11 if you will. In other words, I want to be able to show that
12 the FBI was watching --

13 THE COURT: Wait, wait, wait. Why?

14 MR. COGDELL: To show that they were aware of what
15 Mr. Aldawsari was doing.

16 THE COURT: Can't you just ask just that statement
17 without going any further than that? "How long have you been
18 aware of what he was doing?"

19 MR. COGDELL: Okay.

20 THE COURT: Any objection to that?

21 MR. HAAG: No objection, Your Honor.

22 I am sorry one more thing. Just to clarify for the
23 record, Mr. Cogdell's objection to No. 311 and 314, it just
24 dealt with the motion in limine that we have previously
25 discussed.

1 THE COURT: Right. I think so.

2 MR. COGDELL: Yes, sir. That is right. Thank you.

3 THE COURT: Bring them in, please.

4 (Whereupon, the jury entered the courtroom.)

5 THE COURT: All right. You may be seated.

6 Proceed, Mr. Haag.

7 MR. HAAG: Thank you, Your Honor.

8 Let's go ahead and proceed to the next slide, please.

9 Q. (BY MR. HAAG) Would you please describe what is listed
10 on this slide?

11 A. Yes, sir. This is just an overview of what a web browser
12 is. Most of us have had an opportunity to use a web browser,
13 but really a web browser is a tool that allows -- it is a tool
14 on our computer that allows us to go to the internet, whether
15 we are looking for graphics, looking for image files,
16 pictures, looking for videos, looking for music, or just
17 looking up, you know, how to pet the dog or how to walk the
18 dog, or whatever, you know, doing searches, whatever. The web
19 browser is a tool in our computer that allows us to go --

20 THE COURT: Speak a little more slowly.

21 THE WITNESS: I am sorry, Your Honor. I get on a
22 role. I apologize.

23 Anyway, a web browser is a tool that allows you to go out
24 on the internet, access a resource on the internet, a website,
25 and view, download, or look at whatever it is you choose to

1 look at, listen to, or watch.

2 Q. (BY MR. HAAG) Down at the bottom we see some symbols
3 that probably most of us are familiar with. Would you please
4 point out what these symbols are?

5 A. Yes, sir. Starting with the bottom left is Internet
6 Explorer, followed by Google Chrome, Apple Safari, and
7 Mozilla. The one with the fox on the right is Mozilla.

8 MR. HAAG: Next slide, please.

9 Q. (BY MR. HAAG) What web browsers did Mr. Aldawsari have
10 on the computer?

11 A. On the ASUS computer there was Google Chrome and Internet
12 Explorer.

13 MR. HAAG: Let's go to the next slide, please.

14 Q. (BY MR. HAAG) We are going to be talking about some of
15 the searches Mr. Aldawsari did on his computer. Would you
16 describe how you obtained that information on the computer
17 itself?

18 A. Yes, sir. Again, using my forensic tools, I went in and
19 looked at what files were listed in under Google Chrome. And
20 there are actually what we call SQ-like databases. It is a
21 data file. That is how Google Chrome keeps track of what it
22 does. And the main database files you see listed there
23 history, web data. That is actually one of the fields.
24 History index is one we are going to be talking about here in
25 just a little bit. But they are databases that keep track of

1 all the sites that you visit with that web browser.

2 MR. HAAG: Let's go to the next slide, please.

3 Q. (BY MR. HAAG) Would you give the jury an example of how
4 you read this information?

5 A. Yes, sir. Can we blow up a little bit -- I am sorry. I
6 am looking on my screen and it; is tough so, it must be tough
7 looking across the courtroom. I apologize.

8 Q. Would it be more helpful if we blew up a few lines, just
9 two or three?

10 A. Yes, sir. That would be great.

11 Q. If we could do two or three lines. And do you want to go
12 all the way across?

13 A. You can start from right there. This field right here is
14 actually the web resource, the location that they were going
15 to. For instance, No. 455 -- I know that is hard to read from
16 here. No. 455 -- And I am going to read from my screen.
17 www.ask.com. So they went to the site ask.com. And if we
18 continue to the right farther, the second field over here, the
19 C-1 title, that was actually right there what was searched
20 where it says "Athán Sidebar."

21 And then keep going to the right. The C-2 body. One
22 thing that Google Chrome does in this field, and we are going
23 to talk a lot about this today, this C-2 body field, it
24 actually captures all of the text that was on the web page.
25 And so it doesn't capture the pictures or any music or

1 anything like that, but it captures all of the text that is
2 there. And so that is what that field is, and we are going to
3 talk a little bit more about that shortly.

4 Q. Okay. So just to give the jury an example, if I go to
5 Google and I say, "All restaurants in Amarillo, Texas," what
6 is going to be in that C-2 body?

7 A. The C-2 body will initially be the list that Google puts
8 out, like, for instance, McDonalds, Applebee's, whatever
9 restaurants are in Lubbock, Texas. And you actually will see
10 -- You won't see pictures, but you will see the text when you
11 do a Google search. It will show you the first couple of
12 lines, and that is what we see there.

13 Now, when they actually go to the web page, say they
14 select McDonalds, you would actually see the text from the
15 McDonalds web page.

16 Q. And in this -- The slide we have here, the C-2 body is
17 only one line, but when you look at it how many lines could it
18 be?

19 A. It could be, you know, 50, 100; I mean, however much data
20 is there.

21 Q. So it has just been shrunk into this -- It is actually
22 much larger.

23 A. Yes, sir. That one line goes way out.

24 MR. HAAG: Go to the next slide, please. And we
25 have got an example of this for the jury. If you would

1 highlight the inset box, please.

2 THE WITNESS: When you double click on one of those
3 lines, it actually opens it up into this box, and this is
4 actually all the web data that the browser captured in text
5 format.

6 MR. HAAG: Let's go ahead and go to the next slide,
7 please.

8 Q. (BY MR. HAAG) Did you do a search of Mr. Aldawsari's
9 computer to see whether he did any searches for picric acid?

10 A. Yes, sir, I did.

11 Q. Did he do any searches?

12 A. Yes, sir, he did. That is what is represented here on
13 this slide.

14 Q. Let's look at some of the URLs he visited. Would you
15 please read those off for the jury?

16 A. Yes, sir. Starting at the very top--and again, I am
17 going to read off my screen, if that is okay, because I can't
18 see that far. I apologize. www -- The first one is HTTP --

19 Sorry, Your Honor.

20 Q. (BY MR. HAAG) I will tell you what. If we can just get
21 the gist of it. I know there is a bunch of --

22 A. Okay.

23 Q. -- numbers?

24 A. Okay. For simplicity, the first one is Google --

25 Somebody goes to google.com. And then at the end there you

1 see picric plus acid. That means that in the Google search
2 bar they typed in "picric acid."

3 Next one, google.com, you see "picric acid explosive
4 velocity."

5 The next one, they go to a site called www.bombshock.com,
6 and they look at a document on picric acid.

7 The next one down, which is right there, they go to
8 google.com and put in there "what picric acid is made of."

9 The next one down they go to www.pyroninfo or
10 pyronfo.com, P-Y-R-O-N-F-O for the -- And they look for how to
11 make picric acid.

12 The next one down, the skeptic files, they went and
13 looked at a document, 202 doc.

14 The next one down they go back to Google search at
15 google.com and search how to make picric acid.

16 And these could be either where they have typed it in or
17 it could be where they hit a back button to go back to Google.

18 The next one down is Wikipedia where they are looking up
19 picric acid.

20 And the same thing on the next one.

21 MR. HAAG: And let's go ahead and go over a little
22 bit where it has the title.

23 Q. (BY MR. HAAG) And what is listed in the title portion of
24 this?

25 A. The title portion is actually what was either typed in

1 there, typed into the Google search bar, or the title of the
2 document.

3 Q. And I won't have you read those. We will just let the
4 jury look at those for just a minute.

5 A. I am sorry. Did you want me to read any of them?

6 THE COURT: No.

7 Q. (BY MR. HAAG) No, sir.

8 MR. HAAG: We can go over to the next one, please,
9 the next column.

10 Q. (BY MR. HAAG) And where it says "time UTC," what is in
11 this column?

12 A. This is the date that the search was done or the visit to
13 the web page was done, the date and the time.

14 Q. What is the first date that the search was done?

15 A. Off the screen there, 1/31/2011 at 1:49. Again, this is
16 in UTC time.

17 Q. And when is the last search done?

18 A. On 2/22/2011 at 6:02 UTC time.

19 Q. Would that be approximately the day before
20 Mr. Aldawsari's arrest?

21 A. Yes, sir.

22 MR. HAAG: Let's go ahead and go to the next slide.

23 Q. (BY MR. HAAG) And what is this slide going to be
24 information regarding?

25 A. This slide -- When we looked earlier on that C-2 body

1 field that I blew up, originally it was a long line and then
2 we blew it up to make it so you could see it, that is what
3 this is under picric acid. That is the body of the text of
4 the web page.

5 Q. Okay. Is this the information that would be, if it came
6 from the Wikipedia, the visit to the Wikipedia site?

7 A. Yes, sir.

8 Q. And if you would, please, just read down at the bottom
9 the highlighted portion right there.

10 A. Where it starts with "like," sir?

11 Q. "Like other," yes, sir.

12 A. "Like other highly nitrated compounds such as TNT, picric
13 acid is an explosive."

14 Q. And read down there at the bottom where it says "In
15 1873."

16 A. "In 1873 Hermann Sprengel provided it" --

17 THE COURT: Proved.

18 Q. (BY MR. HAAG) "Proved" instead of "provided."

19 A. I am sorry, sir. "...proved it could be detonated and by
20 1894 the Russian workers had worked out a method of
21 manufacture for artillery shells. Soon after, most military
22 powers used picric acid as a primary high explosive material."

23 MR. HAAG: Let's go over and pull out and go to the
24 next slide, please.

25 Q. (BY MR. HAAG) And if you would read the highlighted

1 portion.

2 A. "By far the largest use has been in munitions and
3 explosives as discussed above."

4 MR. HAAG: Let's go to the next slide, please.

5 Q. (BY MR. HAAG) And where is this information captured
6 from?

7 A. This one would have been from Exodus, one of the websites
8 that he visited.

9 Q. And we are going to go through this later. It is going
10 to show up in an email. But if you would, please, just read
11 where it came from again, what website. Is that first
12 line. I am sorry?

13 A. It says, "Picric acid brought to you by Exodus."

14 MR. HAAG: Okay. Let's go ahead and go to the next
15 slide, please.

16 Q. (BY MR. HAAG) And we are going to talk about this a
17 little later on as well, but what is this information titled?

18 A. "Explosive from aspirin. This explosive is a phenol
19 derivative."

20 MR. HAAG: Let's go to Government's Exhibit No. 26,
21 please. I am sorry slide 26. My bad. Next slide.

22 Q. (BY MR. HAAG) Did you discover any searches for phenol
23 on the Defendant's computer?

24 A. Yes, sir. I discovered numerous searches for phenol on
25 the computer.

1 Q. I am sorry. Go ahead?

2 A. There are numerous ones on there for phenol.

3 Q. Did you make a slide that lists all of the various
4 searches for phenol?

5 A. Yes, sir.

6 Q. Okay. And let's just go ahead and we will give a
7 representative sample. Is the URL listed here on the left
8 side of the column?

9 A. Yes, sir, it is. It starts at the top there. You see
10 Google searches followed by visits to various locations, like
11 midway down you see www.fusing.com. Then you see
12 cameochemicals.noaa.gov.

13 Q. And up there at the top, if you will read that first
14 search line?

15 A. The very first search that he did or that was done was on
16 Google was "buy phenol cryst."

17 MR. HAAG: Let's go over to the other side to the
18 columns on the right hand side.

19 Q. (BY MR. HAAG) And we have got the -- What is here where
20 it says "title"?

21 A. Title of that would actually be the Google search that
22 was done by phenol. It was what was actually put into the
23 Google space, you know, the search part typed in "buy phenol."
24 And then to the right of that is the date that was done in
25 UTC--1/30/2007 at 11:37.

1 Q. And was this the first search for "buy phenol" that would
2 be found on the computer?

3 A. Yes, sir. That is correct.

4 MR. HAAG: If we can pull out and see the entire
5 slide, please.

6 Q. (BY MR. HAAG) And how many slides did you see or how
7 many slides do we have here where Mr. Aldawsari does searches
8 for phenol?

9 A. There is five or six.

10 Q. Okay. So what we will do instead of making you read each
11 one, we will just go ahead and show them briefly.

12 MR. HAAG: Let's go to the next slide, please.

13 Q. (BY MR. HAAG) Is this another slide that contains phenol
14 searches?

15 A. Yes, sir. That is a continuation. That is correct, sir.

16 MR. HAAG: Go to the next slide, please.

17 Q. (BY MR. HAAG) Is this another slide --

18 A. Yes, sir.

19 Q. -- that shows phenol searches?

20 A. Yes, sir.

21 MR. HAAG: Go to the next slide, please.

22 Q. (BY MR. HAAG) Is this yet another slide of the phenol
23 searches?

24 A. Yes, sir.

25 MR. HAAG: And go to the next slide, please.

1 Q. (BY MR. HAAG) Is this yet another slide of the phenol
2 searches?

3 A. Yes, sir. And this is the last one you can see on the
4 bottom down there.

5 MR. HAAG: And let's go ahead and highlight the
6 bottom portion.

7 Q. (BY MR. HAAG) When is the last search done?

8 A. On 2/23/2011.

9 Q. Would that be the day of Mr. Aldawsari's arrest?

10 A. Yes, sir.

11 Q. And what is the total for the number of searches done for
12 phenol?

13 A. I need to preface that number there. That number shows
14 134, which is correct. There are 134 entries that were done.
15 Understand, though, that when you visit a web page you
16 actually go to the web page and then maybe you go visit a site
17 and then you come back. That would be listed in there. So
18 those are not 134 separate and distinct searches, but there
19 are 134 records in there.

20 Q. And so, in other words, each time a screen comes up with
21 phenol it is going to count as one?

22 A. Yes, sir. That is correct.

23 MR. HAAG: Let's go ahead and go to the next slide,
24 slide 31, please. And let's go ahead and take a look at some
25 of the various websites that Mr. Aldawsari visited to try to

1 buy final.

2 Q. (BY MR. HAAG) And what does it show here?

3 A. At the top, Mr. Aldawsari actually had a account, and
4 because he had one, Google Chrome tracked that, and so you
5 actually will see -- in several of these you will see his
6 email address where Google is tracking that. And it is a
7 feature to make it to try to speed things up for that user.
8 But it tracks the user's email address right there.

9 The next one right here, this is actually the phenol that
10 we are talking about. And then underneath there you see
11 various websites that list phenol available. For instance,
12 www.fishersci.com is one of the first ones there, followed by
13 many more.

14 MR. HAAG: If we can take a look at the next slide,
15 please.

16 Q. (BY MR. HAAG) The first one will be www.fusing.com.

17 A. And at the top it says "liquid phenol. Search for liquid
18 phenol sellers, suppliers, traders, buyers, trades and leads.
19 Buy liquid phenol here."

20 MR. HAAG: And we will go ahead and draw it out just
21 for a second. Go over where it says "copyright" on the right
22 hand side.

23 THE WITNESS: "Copyright 2003 to 2010. fusing.com."

24 MR. HAAG: Let's go to the next side. I am sorry.
25 Next slide. And let's go ahead blow up the -- Thank you.

1 Q. (BY MR. HAAG) What is here on this side?

2 A. Again at the top you see the email address

3 k.aldawsari@gmail.com. Underneath there you see where it says

4 "search results." That is actually what -- You know, that is

5 telling you these are the search results. And this is what

6 was actually put in there "phenol liquefied." Underneath that

7 are listed the various companies that have something.

8 MR. HAAG: Let's go to the next slide, please.

9 Let's look at J.T. Baker, and just the first portion.

10 THE WITNESS: Under this one, MSDS No. P1952 gives

11 the effective date of 8/20/2008. It says it supersedes

12 11/10/2005. And it is phenol liquefied.

13 MR. HAAG: Let's go back, and let's go to the next

14 portion, please.

15 Q. (BY MR. HAAG) Where it says "lab detective equipment,"

16 what is listed here?

17 A. "Lab protective equipment: Goggles and shields; lab coat

18 and apron; vent hood, proper gloves, Class B extinguisher,

19 storage color code, white stripe." Then farther down in

20 yellow it says, "inhalation, breathing vapor, dust, or mist

21 results in digestive disturbances (vomiting, difficulty in

22 swallowing, diarrhea, loss of appetite) will irritate,

23 possibly burn, respiratory tract. Other symptoms listed under

24 ingestion may occur."

25 MR. HAAG: And Let's go to the next slide, please.

1 THE WITNESS: In yellow it says, "Other symptoms
2 under ingestion may occur. Ingestion. Poison. Symptoms may
3 include burning pain in mouth and throat, abdominal pain,
4 nausea, vomiting, headache, dizziness, muscular weakness,
5 central nervous system effects, increase in heart rate,
6 irregular breathing, coma, and possibly death."

7 MR. HAAG: Let's go to the next slide, please. And
8 let's look at the information on sciencestuff.com.

9 THE WITNESS: Starting in yellow. "Sciencestuff
10 network. Share this/print this page. Phenol liquefied. 88
11 percent W/V product code: C2222 F.W. 94.11."

12 Q. I am sorry. And if you will go down to the next portion
13 that is highlighted where it starts "500."

14 A. I am sorry. "500 MLS \$49.51. Each 1 liter \$87.94."

15 MR. HAAG: And let's go ahead and go to the next
16 slide.

17 Q. (BY MR. HAAG) And what is this web side?

18 A. This is from cameochemicals.noaa.gov.

19 Q. What is the search or the data sheet here?

20 A. The data sheet says "home help search chemicals. New
21 search, my chemicals, phenol liquid, 240."

22 MR. HAAG: Let's go to the next slide, please. And
23 highlight the portion at the bottom.

24 THE WITNESS: It says, "Website owner: Office of
25 Response and Restoration, NOAA's, Ocean Service, National

1 Oceanic and Astropheric [sic] Administration. U.S. government
2 main portal, usa.gov."

3 MR. HAAG: Let's go to Government's No. 39. And
4 let's look at gallade.com.

5 Q. (BY MR. HAAG) What is the search done here?

6 A. I am going to skip down to the secondary area in yellow.
7 It says, "phenol liquefied, 2.5 liter." Then it says,
8 "previous product, next product, product gallade part number,
9 price, phenol liquefied, 2.5 liter," it gives the part number
10 PX 0512-3, \$585.79" --

11 Q. And then what does it give at the bottom for the
12 purchasing guidelines?

13 A. It says, "Purchasing guideline chemicals. Must be a
14 commercial business. Shipping to U.S. business address." And
15 then it has a star and it says, "No individuals, star, no
16 international, include chemical use application in order
17 comments. Orders failing to meet these guidelines will be
18 cancelled."

19 MR. HAAG: Let's go to the next slide, please.

20 Q. (BY MR. HAAG) And what is this search result for?

21 A. Again, this was a search for phenol liquid from Google.

22 MR. HAAG: If we can go back out, please. And go
23 down to the bottom portion.

24 Q. (BY MR. HAAG) And what are two of the returns that came
25 back on this search?

1 A. The two that are highlighted there,
2 www.colonialscientific.com, and then www.alibaba.com, and both
3 looking for phenol liquefied or phenol liquid.

4 MR. HAAG: Let's go to slide 41, please. And let's
5 look at the search on ebay.com.

6 THE WITNESS: The search for phenol liquefied had
7 zero hits.

8 Q. (BY MR. HAAG) Okay. And this is on what website?

9 A. On eBay.

10 MR. HAAG: Let's go to the next side, please.

11 Q. (BY MR. HAAG) And what is this website search done on?

12 A. That is boilercoolingwater.com.

13 Q. And if you go to the very bottom of the screen that has
14 got the company name, what is the company name listed there?

15 A. It says, "Copyright 2011 QualiChem Technologies Group."

16 Q. And what search was done here in the highlighted where it
17 says "home"?

18 A. Phenol liquid.

19 MR. HAAG: Let's go to the next slide, please.

20 Q. (BY MR. HAAG) And again, what was the search result at
21 Boiler and Cooling Water?

22 A. They are looking for phenol liquefied and they did not
23 find anything. It says, "No products search your search
24 criteria. Please try again."

25 MR. HAAG: Let's go to the next slide, please.

1 THE WITNESS: It is the same site, and this time
2 they search for phenol, and it came back with a positive
3 response of "32 ounce. Our price, \$24.99."

4 MR. HAAG: Let's go to the next slide, please. And
5 let's look at the search done on alibaba.com.

6 THE WITNESS: The very first thing, it says,
7 "Notice. Chinese suppliers may not respond during Chinese New
8 Year. Use the online filter when searching and consider
9 searching outside of greater China" --

10 Q. (BY MR. HAAG) If you will read just a little bit slower,
11 please.

12 A. Sorry.

13 Q. That is all right.

14 A. Right after "Chinese New Year" it gives the date of 31
15 January to 14 February. Starting a new sentence, "Use the
16 online filter when searching and consider searching outside of
17 the greater China region. alibaba.com wishes you happy
18 Chinese New Year. Welcome to alibaba.com." Underneath that
19 there is a search for liquid phenol.

20 Q. And how many products returned from that search?

21 A. It is 511.

22 MR. HAAG: Let's go to the next slide, please.
23 Let's look at the search done on amazon.com.

24 Q. (BY MR. HAAG) What search was done on the amazon.com
25 website?

1 A. Phenol.

2 MR. HAAG: Let's go to the next slide, please. Look
3 at the search done on ranger.com.

4 Q. (BY MR. HAAG) What search was done here?

5 A. It says, "Laboratory chemicals, chemical phenol," and
6 then it gives the count and the price of \$24.

7 MR. HAAG: And let's go ahead and pull back out,
8 please.

9 Q. (BY MR. HAAG) And look at the bottom there where it
10 highlights the sponsor of the website. What is the sponsor of
11 this website?

12 A. Its sponsor says, "2011, W.W. Grainger, Inc. All rights
13 reserved."

14 MR. HAAG: Let's go to the next slide, please.

15 Q. (BY MR. HAAG) cheaponsale.com. What search was done
16 here?

17 A. Phenol. In the result it came back with phenol,
18 formaldehyde resin, orthophenol, and then -- I am sorry. It
19 is N-O-N-Y-L phenol ethoxylate.

20 Q. That is spelled how?

21 A. It is spelled -- I apologize. It is spelled
22 E-T-H-O-X-Y-L-A-T-E.

23 MR. HAAG: Okay. Next slide, please.

24 Q. (BY MR. HAAG) Search of chemindustry.com. What search
25 was done here?

1 A. Again it says "phenol crystal."

2 MR. HAAG: Next slide, please.

3 Q. (BY MR. HAAG) And we are going to move into a new topic.
4 Did you locate a search for blasting caps?

5 A. Yes, sir I did.

6 Q. And let's talk about the search for blasting caps. We
7 have got to website over here. It may be easier to move over
8 one. Let's look at the titles on the next column. Okay. And
9 when do these searches begin?

10 A. They began January 31, 2011 and ended February 19th,
11 2011.

12 Q. Okay. And if you would, do you see the words "acetone
13 peroxide" listed anywhere there?

14 A. Yes, sir, I do. I see a Google search on 1/31. Actually
15 the first Google search was for acetone MSDS followed by
16 another Google search for acetone peroxide, then a visit to
17 Wikipedia for acetone peroxide. And Wikipedia is a free -- If
18 you have never visited, it is a free encyclopedia, so it gives
19 great descriptions as to where topic is searched. Followed by
20 a visit to Boil Water and Cooling Water Chemicals. That would
21 actually be a supplier. Then back to Wikipedia for blasting
22 caps, the definition and whatever has been posted on blasting
23 cap, followed by how to make a blasting cap, followed by how
24 to make a blasting cap. That was a Google search. Then a
25 visit back to boil water and cooling water chemicals.

1 MR. HAAG: Let's go ahead and take a look at one of
2 the searches. Next slide, please.

3 Q. (BY MR. HAAG) And on the search on 1/31 of 2011, is
4 there a search done on the boilerandcoolingwater.com website?

5 A. Yes, sir, there was.

6 Q. What was the search for?

7 A. Acetone hydroxide.

8 Q. And where it says -- Down at the bottom, who is the
9 sponsor of this website?

10 A. QualiChem Technologies Group.

11 MR. HAAG: Let's go to the next slide, please.

12 Q. (BY MR. HAAG) Google for acetone MSDS. What was the
13 search done here?

14 A. Acetone.

15 MR. HAAG: Next slide, please.

16 Q. (BY MR. HAAG) And what is the search here that was done?

17 A. Acetone peroxide.

18 MR. HAAG: Let's go to the next slide, please.

19 THE WITNESS: This is the Wikipedia page for acetone
20 peroxide.

21 MR. HAAG: All right. Let's go to the next slide,
22 please.

23 THE WITNESS: This is a continuation of that same
24 Wikipedia visit.

25 Q. (BY MR. HAAG) I am sorry. Please go ahead and read

1 that.

2 A. It says, "Acetone peroxide can be manufactured by those
3 without the resources needed to manufacture or buy more
4 sophisticated explosives. When the reaction is carried out
5 without proper equipment, the risk of an accident is
6 significant. Simply mixing sulfuric acid, hydrogen peroxide,
7 and acetone can create the substance."

8 MR. HAAG: Let's go to the next slide, please. And
9 let's go to the next slide.

10 Q. (BY MR. HAAG) boilerandcoolingwater.com. What is the
11 search here that is done on 1/31/11?

12 A. Can you go down a little bit farther, please?

13 Q. Yes.

14 A. Thank you. The search was for acetone peroxide.

15 MR. HAAG: And let's go to the next slide, please.

16 THE WITNESS: This is the Wikipedia search that was
17 done for blasting caps, and it says, "Blasting caps.
18 Wikipedia. A blasting cap is a small, sensitive primary
19 explosive device generally used to detonate a larger, more
20 powerful and less sensitive secondary explosive, such as TNT,
21 dynamite, or plastic explosive."

22 MR. HAAG: Go ahead and pull back out, please. And
23 highlight that next section.

24 THE WITNESS: It says, "Explosives commonly used in
25 blasting caps include mercury, fulminate, lead azide, and lead

1 Styphnate, and Tetryl." I apologize for the pronunciations.

2 Q. (BY MR. HAAG) No problem.

3 MR. HAAG: Let's go to the next slide, please.

4 Q. (BY MR. HAAG) And on instructables.com what is listed
5 here?

6 A. "How to make a blasting cap."

7 Q. And if you would just read the highlighted portion.

8 A. Starting with the "You'll," second part down, sir?

9 Q. Yes, sir, please.

10 A. It says, "You'll need to make an initiator, such as
11 acetone peroxide, which is fairly easy to make. All you need
12 is hydrogen peroxide, acetone, and a good acid, like sulfuric
13 or hydrochloric." Further down it says, "I recommend making
14 HMTD. All it takes is acid, peroxide, and solid fuel tablets.
15 I use ESIT ones. You can buy safely online as well, though,
16 very cheaply."

17 MR. HAAG: Okay. Let's go ahead and pull back out
18 and go to the other side, please.

19 THE WITNESS: In the yellow it says, "But also
20 contain a booster charge, which would often consist of picric
21 acid or mercury fulminate. I forget. Sorry. The point is,
22 if you can get your hands on some picric acid or lead picrate,
23 you should use that alongside HMTD to ensure you get an
24 insanely big explosion to detonate your plastic explosives."

25 MR. HAAG: Let's go to the next slide, please.

1 Q. (BY MR. HAAG) And what is the search that was done on
2 the Google website here?

3 A. "How to make a blasting cap."

4 MR. HAAG: Let's go back. Zoom back out.

5 Q. (BY MR. HAAG) And what is one of the results that came
6 back?

7 A. www.rorta.net. And it is a video for how to make
8 blasting cap acetone peroxide detonator.

9 MR. HAAG: Let's go to the next slide, please.

10 Q. (BY MR. HAAG) And what was the search that was done at
11 boilerandcoolingwater.com?

12 A. It was for acetone. It shows a price of \$1200.

13 Q. And does it list below it several other ones less
14 expensive than that?

15 A. Yes. The next one is "16 ounce, our price \$19.99,
16 acetone." Then it shows "ACS grade acetone for 32 ounce
17 bottle for \$24.99."

18 Q. Okay. Then we have got other prices. Correct?

19 A. Yes, sir.

20 MR. HAAG: Let's go ahead and go to the next slide,
21 please. And let's look at the final search that he does.

22 Q. (BY MR. HAAG) And here we have -- what is the search
23 that he does here on this slide?

24 A. There was the first search that was done on Google was
25 watch list, a term watch list. Then the second search that

1 was done on Google was terror watch list, three separate
2 words. The next one was a visit to www.fbi.gov. The next one
3 was a visit to Facebook with his name. And then the last one
4 is a Google search for his name.

5 MR. HAAG: Okay. Let's move over and let's look at
6 the dates of some of these searches.

7 Q. (BY MR. HAAG) What are the dates that all these searches
8 are done?

9 A. They all were done on 2/20/2011, sir.

10 Q. Is this going to be approximately three days before
11 Mr. Aldawsari's arrest?

12 A. Yes, sir.

13 MR. HAAG: Let's go to the next slide, please. And
14 we have got a search for the watch list, first of all.

15 If we can go to the next slide, please.

16 THE WITNESS: This is the visit to the -- or
17 actually this is a Google one that lists out the terror
18 website.

19 Q. (BY MR. HAAG) Okay.

20 A. The terror watch list. I am sorry.

21 Q. Let's look at what is on the FBI website that is clicked
22 through, too.

23 A. To where it starts in yellow, it says, www.fbi.gov --

24 THE COURT: Slowly.

25 THE WITNESS: Sorry, sir. www.fbi.gov/about

1 us/nsb/tsc/tscfacts.

2 MR. HAAG: And let's look at the information that is
3 exposed or revealed on that website. Next slide.

4 Q. (BY MR. HAAG) And it says "terror screening center
5 frequently asked questions."

6 A. "Why was a terrorist screening database created?"

7 MR. HAAG: Let's go to the next side and look at the
8 highlighted portion over there.

9 Q. (BY MR. HAAG) Would you please read that?

10 A. Yes. "Who gets included in the TSDB? Per HSPD-6, only
11 individuals who are known, or reasonably suspected to be, or
12 have been engaged in conduct constituting, in preparation for,
13 in aid of, or related to terrorism, are included in the TSDB.
14 Does the TSDB contain information on domestic terrorists like
15 Timothy McVeigh?" The answer is "Yes." "The TSTD contains
16 information on both international and domestic terrorists."

17 Q. And down at the bottom where it has got the question, and
18 if you would please read that and the answer?

19 A. Yes, sir. It says, "Can I find out if I am in the TSDB?"
20 The answer, "The TSC cannot reveal whether a particular person
21 is in the TSDB."

22 Q. And just as a reminder, what does TSDB stand for?

23 A. That would be the terrorism database.

24 MR. HAAG: Let's go to the next slide, please.

25 Q. (BY MR. HAAG) We have a Google search, and what name is

1 put in the Google search terms?

2 A. The name is Khalid Ali-M Aldawsari.

3 MR. HAAG: Okay. Let's go to the next page, please.

4 And let's go ahead and look at the date first.

5 Q. (BY MR. HAAG) We saw that on 2/20 that was that search.

6 And what is the date that these items are all going to be,

7 starting with the top and going down to the bottom?

8 A. The first three were on 2012 and 2011.

9 Q. I am sorry?

10 A. I am sorry. February 12th, 2011. I am sorry. I

11 misspoke. Followed by February 22nd, 2011 is when the

12 majority of the searches were done.

13 Q. So it is going to be about two days after the search on

14 the terror watch list?

15 A. Yes, sir.

16 MR. HAAG: Let's go back to the title portion of

17 this slide.

18 Q. (BY MR. HAAG) And we won't go through everything, but

19 would you, looking at this information, walk the jury through

20 what happens on the 22nd of February?

21 A. Yes. There are starting to be visits -- As you can see,

22 where it says IP masking, how to use a fake IP, anonymous IP

23 mask, followed by other ones that are there, the reason this

24 is important is when you are on the internet, whether you are

25 from your house or at a motel or wherever, there is an IP

1 address that assigned to you, to your computer. And so that
2 IP address can be tracked just like your address at your
3 house. And so a lot of times people will want to not show
4 that IP address because they don't want to know where they are
5 coming from. They try to hide it so that it will not show up
6 on web pages that they visited from their residence.

7 And so these series of searches that are here were
8 actually various visits to web pages -- there are was is
9 called a proxy that you see listed there. What is a proxy is,
10 it is a web page, you can go to it, and you can type in where
11 you want to go. So from your house you go to this proxy and
12 you type in, let's say, google.com. It will go to google.com,
13 and it won't see -- instead of seeing your IP address, your
14 home address, if you will, it sees to that web page, the
15 proxy's IP address. Okay? So again, that is used to hide
16 where you are coming from.

17 Farther down Hotspot Shield at the end of this, this
18 product was actually downloaded. This is a commercial
19 product. It was downloaded and installed on the computer.
20 And it is -- One of the services it provides is it hides your
21 IP address.

22 Q. Okay. And what date was that installed on the
23 Defendant's computer?

24 A. That was on the same date, sir--2/22.

25 Q. February 22nd?

1 A. Yes, sir.

2 Q. Did Mr. Aldawsari obtain this computer in January of
3 2011?

4 A. Yes, sir, he did.

5 Q. So it was used for a relatively brief period of time. Is
6 that correct?

7 A. It was obtained I think on January 18th, based on the
8 dates I saw on the computer.

9 Q. Okay. And you had it on February 24th?

10 A. Yes, sir. That is correct.

11 MR. HAAG: Pass the witness, Your Honor.

12 THE COURT: Your witness --

13 MR. COGDELL: Thank you.

14 THE COURT: -- Mr. Cogdell.

15 CROSS EXAMINATION

16 By Mr. Cogdell:

17 Q. Good morning, Special Agent Morris.

18 A. Good morning.

19 Q. Doing okay?

20 A. Yes, sir.

21 Q. Correct me if I am wrong, but I don't think you and I
22 have ever been on the opposite sides of a lawsuit before. Is
23 that correct?

24 A. No, sir; not that I am aware.

25 Q. Okay. So if I have been on the other side, I have been

1 completely unremarkable to you. Is that what you are saying?

2 A. I believe we have never met, sir.

3 Q. Let me just -- Let me make a confession, a quick
4 confession. I know very, very little about computers. Okay?
5 So when I am asking you questions, please use small words and
6 short sentences with me. Okay?

7 A. Yes, sir.

8 Q. Mr. Haag asked you questions about the -- I will start
9 where he finished off, and he asked you questions about
10 Mr. Aldawsari downloading programs to, if I understood it
11 correctly, that would shield his IP address from other
12 viewers. Right?

13 A. Yes, sir. He looked at websites that would do that as
14 well as he downloaded programs.

15 Q. But you all were watching his computer at the very time
16 he was doing that. Would you agree with me?

17 A. I was not, no, sir.

18 Q. But the FBI was.

19 A. I believe so, yes, sir.

20 Q. You know they were, don't you?

21 A. My job was strictly the evidence, the digital evidence.

22 Q. Is it consistent with your understanding of what happened
23 in this case, Special Agent Morris, that the FBI had, for lack
24 of a better description, a way to track every movement that
25 Mr. Aldawsari was making on his computer after on or

1 about February 14th?

2 A. Yes, sir.

3 MR. COGDELL: Now, if we could have Government's
4 Exhibit No. 313, Ms. Christensen, 314 page 23 up. And if you
5 could zero in on the right hand side, please, ma'am.

6 Q. (BY MR. COGDELL) Do you see where it says in the middle
7 of that page, "During this reaction nitro groups are
8 introduced and the sulfuric acid group is displaced and
9 careful temperature control reaction or control is required"?
10 Do you see that?

11 A. Yes, sir, I do.

12 Q. "Picric acid has a characteristic acrid odor." Do you
13 see that as well?

14 A. Yes, sir, I do.

15 Q. And I think in several of the slides that Mr. Haag showed
16 you, it talked about if individuals were exposed to some of
17 these various chemicals, they could cause specific odors,
18 injury to the skin, eye burning, and the like. Right?

19 A. Yes, sir.

20 Q. Now, as far as you understand, Special Agent Morris, not
21 only was the FBI tracking Mr. Aldawsari's conduct on the
22 computer, they were physically -- they were electronic
23 surveilling him as well. Right?

24 A. I don't understand what you mean by that, sir. I am
25 sorry.

1 Q. They had cameras placed in his apartment where they could
2 watch what he was doing. Are you aware of that?

3 A. Yes, sir. I became aware of that later on.

4 Q. Okay. And are you aware, Special Agent Morris, of any
5 time when during this observation period that Mr. Aldawsari
6 was exposed to any burns or any eye injury or any sort of
7 injury during this period of time?

8 A. Me personally? No, sir.

9 MR. COGDELL: If I could have the elmo, Your Honor.
10 Can you switch -- Who switches this on for me?

11 Ms. Christensen, can you help? Here we go.

12 Q. (BY MR. COGDELL) Special Agent Morris, let me ask you a
13 few questions. I want to pull back first. Can you share with
14 this jury approximately how many hours you have spent
15 examining the computers or the related computer paraphernalia
16 of Mr. Aldawsari?

17 A. Hour-wise?

18 Q. Yes, sir.

19 A. At least over 120.

20 MR. COGDELL: I am going to walk him through a list,
21 Your Honor?

22 THE WITNESS: At least 120, sir.

23 THE COURT: Have you shown this to counsel?

24 MR. COGDELL: No, sir. I am going to cross
25 examine --

1 THE COURT: Show it to counsel before you --

2 MR. COGDELL: What I intend to do is get him to
3 admit it.

4 THE COURT: Okay. I just want you to show it to
5 counsel before you show it to the jury.

6 MR. COGDELL: To be clear, I wasn't going to show
7 anything before I had the witness affirm it, Your Honor.

8 MR. HAAG: No objection, Your Honor.

9 Q. (BY MR. COGDELL) Help me with the number of hours,
10 Special Agent Morris.

11 A. At least 120, sir.

12 Q. How many days is that?

13 A. At least three months.

14 Q. Okay. Would you agree with me that you probably devoted
15 a greater percentage of your time and your effort to this case
16 in the past year than any other case?

17 A. Yes, sir, I would.

18 Q. Biggest case you are working on from the time?

19 A. As of then, yes, sir.

20 Q. And I am not suggesting any case is unimportant, Special
21 Agent, but you have spent an awful lot of time of your
22 personal time on this case. Agree with me?

23 A. Yes, sir.

24 Q. Would you agree with me, Special Agent Morris, that there
25 is no proof through your examination of Mr. Aldawsari's

1 computers that he actually acquired phenol? Agree with me?

2 A. Look for and tried to acquire, yes.

3 Q. Absolutely. No issue about that. Okay? He was looking
4 and trying dutifully. Right?

5 A. Yes, sir.

6 Q. But he didn't acquire it, as far as you know, by virtue
7 of looking on his computer. Right?

8 A. That is correct.

9 Q. Would you agree with me, Special Agent Morris, that there
10 was no proof that he acquired blasting caps?

11 A. That is correct. As far as I know.

12 Q. Would you agree with me, Special Agent Morris, that there
13 is no proof that he obtained acetone peroxide?

14 A. Again, based -- My only thing is the computer evidence,
15 and based solely on that I do not see where he acquired any.

16 Q. Okay. Would you agree with me that there is no proof on
17 his computer--which is what your job description was, to
18 search for it--that he assembled a weapon of mass destruction?
19 Right?

20 A. That he actually assembled it? No, sir, there is no
21 proof on the computer.

22 Q. Would you agree with me, Special Agent Morris, that there
23 is no proof on his computer that he even tested a weapon of
24 mass destruction?

25 A. That is correct.

1 Q. Would you agree with me, Special Agent Morris, that there
2 is no proof on his computer that he actually selected and
3 chose a specific target? There were searches; there were
4 possibilities --

5 A. He looked at several targets, sir.

6 Q. He did. But there is no proof on his computer that he
7 chose a specific target. Agree with me?

8 A. No, sir, I will disagree with you.

9 Q. What target did he arrive and decide upon?

10 A. Well, I will say he spent significant time looking at
11 President Bush, significant searches. That is all I can say
12 about it. There were significant searches.

13 Q. So we are on the same page, I am not suggesting that he
14 didn't spend significant time looking at President Bush.
15 Right?

16 A. Yes, sir.

17 Q. But would you agree with me that he looked at -- there
18 were 16 or so different targets. Right?

19 A. The two that stand out were President Bush and
20 nightclubs, sir.

21 Q. Nightclubs?

22 A. Yes, sir.

23 Q. To be fair, I think he also talked about an OU/Texas
24 game, the president of Saudi Arabia. There were a variety of
25 different targets. Right?

1 A. The two primary were the ones I just mentioned.

2 Q. But can I get you to at least follow me that there was no
3 ultimate decision made as to the specific target?

4 A. Yes, I will agree with you with that, yes, sir.

5 Q. Okay. And can I also get you to agree with me, Special
6 Agent Morris, that there was no specific date that he
7 ultimately selected and decided upon for the use of a weapon
8 of mass destruction?

9 A. Not on the computer, sir.

10 MR. COGDELL: May I have just a minute, Your Honor?

11 THE COURT: You may.

12 MR. COGDELL: Thank you, Special Agent Morris. I
13 will pass the witness.

14 THE WITNESS: Thank you, sir.

15 THE COURT: Redirect?

16 MR. HAAG: Thank you, Your Honor.

17 REDIRECT EXAMINATION

18 By Mr. Haag:

19 Q. In your experience as a computer forensic examiner, is it
20 common for persons to put physical items inside a computer?

21 A. No, sir, it is not.

22 Q. Have you ever examined a computer that had phenol in it?

23 A. No, sir.

24 Q. Have you ever examined a computer that had acetone
25 peroxide in it?

1 A. No, sir.

2 Q. Have you ever examined a computer that had a weapon of
3 mass destruction in it?

4 A. No, sir.

5 Q. Have you ever examined a computer that had a blasting cap
6 inside of it?

7 A. No, sir.

8 Q. Are you aware that there is also journals in this case?

9 A. Yes, sir, I am.

10 Q. Were those journals uploaded onto the computer?

11 A. No, sir.

12 MR. HAAG: No further questions, Your Honor.

13 MR. COGDELL: Recognizing the Court's admonition on
14 recross, I won't go there.

15 THE COURT: Okay. Thank you.

16 You are excused. Thank you, sir.

17 Call your next witness.

18 MR. HAAG: Thank you, Your Honor.

19 The United States calls Kathryn Hughes.

20 (Whereupon, the oath was administered by the Clerk.)

21 MR. HAAG: Your Honor, I will advise the Court--and
22 I spoke with Mr. Doyle about this--before I reach the end of
23 this witness' direct examination we will need just a few
24 minutes with the Court to address a motion regarding -- Excuse
25 me. A matter regarding the motion.

1 THE COURT: That is fine. Just remind me.

2 MR. HAAG: Yes, Your Honor.

3 KATHRYN HUGHES,

4 Testified on direct examination by Mr. Haag as follows:

5 Q. Please state your name.

6 A. Kathryn Hughes.

7 Q. How are you employed?

8 A. With the FBI.

9 Q. What is your position with the FBI?

10 A. I am a special agent.

11 Q. Where is your office located at?

12 A. Dallas, Texas.

13 Q. If you would, please keep your voice up just a little
14 bit.

15 Which section of the Dallas FBI do you serve in?

16 A. CT-2.

17 Q. What is that section?

18 A. It is the Counterterrorism squad.

19 Q. How long have you been an FBI special agent?

20 A. Almost two years now.

21 Q. Prior to becoming an FBI special agent, did you have any
22 prior law enforcement experience?

23 A. Yes.

24 Q. What was that experience?

25 A. With the FBI Police in Washington, D.C.

1 Q. Have you received specialized training in
2 counterterrorism investigations?

3 A. I have.

4 Q. Would you please describe that training briefly for the
5 jury?

6 A. I trained in Quantico, Virginia. I had counterterrorism
7 training, also online courses, and continuing education
8 courses in the field.

9 Q. And if you would, if you want to pull that microphone
10 toward you that may help you.

11 Are you familiar with the investigation in this case?

12 A. Yes.

13 Q. What was your role in the investigation?

14 A. I did work with the microphone recordings, also with
15 tracking emails, and telephone conversations.

16 Q. Did you ever deploy to Lubbock during the course of this
17 investigation?

18 A. Not until after the arrest was made.

19 Q. Let's talk about some of the audio overhears in this
20 case. Were audio recording devices used in this case?

21 A. Yes.

22 Q. Were those audio recording devices installed after
23 obtaining a court order to do so?

24 A. Yes.

25 Q. In what apartment were those audio recording devices

1 installed?

2 A. Apartment 2303.

3 Q. To your understanding, whose apartment was that?

4 A. Khalid Aldawsari's.

5 Q. When were the audio recording devices installed?

6 A. February 14th of 2011.

7 Q. In what room were the audio recording devices installed?

8 A. They would have been installed in the living room and
9 also in the kitchen.

10 Q. Are you familiar with the operation of those recording
11 devices?

12 A. Yes.

13 Q. Are those devices reliable?

14 A. They are.

15 Q. Were the audio recording devices tested before they were
16 installed?

17 A. Yes.

18 Q. What was the result of the test?

19 A. They were working properly.

20 Q. How does this audio recording device store the
21 information that it records?

22 A. The microphones will pick up a noise or a sound of some
23 sort, and it will transmit that information to a temporary
24 storage device where it is then held until it is transferred
25 to a CD or DVD.

1 Q. And this temporary storage device, what type of storage
2 device is it?

3 A. It is going to be a large hard drive.

4 Q. And you noted that -- Well let me ask this. Can any
5 alterations be made to the audio information once it is
6 written to the hard drive?

7 A. No.

8 Q. Okay. And you said it could be written to a CD or a DVD.
9 Is that correct?

10 A. That is correct.

11 Q. Was information in this case written to a CD or DVD in
12 this case?

13 A. It was.

14 Q. Once it is written to a CD or DVD, can any alterations be
15 made to a DVD or CD?

16 A. No. The CD or DVD would be write-protected and would be
17 unable to be altered.

18 Q. Before you you have Exhibits No. 276, 278, 280, 282, 284,
19 286, 290, and 292. Do you recognize these exhibits?

20 A. I do.

21 Q. What are these exhibits?

22 A. These are microphone recordings.

23 Q. Prior to testifying today, have you examined each of
24 these exhibits?

25 A. I have.

1 Q. Did you have an opportunity to compare each of these
2 exhibits with the original CD or DVD in this case?

3 A. Yes, I have.

4 Q. What was the result of your comparison between these two?

5 A. They were matches.

6 Q. Did you take any steps to identify the voice on the
7 recordings?

8 A. Yes, I did.

9 Q. What did you do?

10 A. I listened to a number of calls he made to -- the
11 Defendant made to Carolina Biological in which he identified
12 himself by name; also calls that -- recordings in the
13 apartment we picked up where he identified himself by name;
14 and a 20-minute call between Special Agent Michael Orndorff
15 and Khalid Aldawsari where he identified himself again by
16 name.

17 Q. Do you recognize the voice on these recordings?

18 A. I do.

19 Q. Whose voice is it?

20 A. It is Khalid Aldawsari's.

21 Q. And in one of these exhibits is there going to be another
22 voice the jury is going to hear?

23 A. Correct.

24 Q. Is that a voice of a human?

25 A. Yes. It is an unidentified male voice.

1 Q. Okay. Is it a voice that is actually physically inside
2 the apartment, or from something else?

3 A. It appears to be coming from something else; perhaps the
4 computer.

5 MR. HAAG: Your Honor, at this time move to admit
6 Government's Exhibit No. 276, 278, 280, 282, 284, 286, 290,
7 and 292.

8 MR. DOYLE: Just give me one second, Judge.

9 THE COURT: While we are waiting here, Mr. Haag, at
10 any time -- We are getting close to noon, so if you have a
11 spot that would be a good time to quit, let us know.

12 MR. HAAG: Yes, sir, I will.

13 THE COURT: Thank you.

14 MR. DOYLE: No objection, Your Honor.

15 THE COURT: Without objection 276, 278, 280, 282,
16 284, 286, 290, and 292 are received.

17 MR. DOYLE: Subject to our same agreement, Your
18 Honor.

19 THE COURT: Yes, sir.

20 Q. (BY MR. HAAG) Prior to testifying today, have you
21 examined Government Exhibit No. 283, 285 and 291?

22 A. I have.

23 Q. What are those exhibits?

24 A. Those are transcriptions of microphone recordings.

25 Q. Did you review those transcripts for accuracy?

1 A. I did.

2 Q. How many times did you review them?

3 A. Approximately five to six times apiece.

4 Q. Do these exhibits fairly and accurately reflect the audio
5 writings with which they are associated?

6 A. They do.

7 MR. HAAG: Your Honor, at this time move to admit
8 Government Exhibit No. 283, 285 and 291.

9 THE COURT: Is there an objection?

10 MR. DOYLE: I just have an objection -- I don't have
11 an objection to the jury listening; just to them coming into
12 evidence, the transcripts.

13 THE COURT: All right. Well, I am going to receive
14 them, but we will cross that bridge whether they go back or
15 not when we come to it. Okay?

16 MR. DOYLE: Perfect. Thank you.

17 THE COURT: Ladies and gentlemen, let me give you
18 the usual instruction about this. These transcripts that you
19 are going see purport to say what the voice is saying. If you
20 hear something different than the transcript, it is what you
21 hear and not the transcript that counts as evidence. Okay?

22 MR. HAAG: Thank you, Your Honor.

23 THE COURT: Mr. Haag.

24 Q. (BY MR. HAAG) Let's first go ahead and look at
25 Government's Exhibit No. 286. And before we play it, I have a

1 few questions.

2 On Government's Exhibit No. 286 and 287, what is the date
3 and the time of this recording?

4 A. The date of this recording is going to be February 23rd
5 of 2011, and the time is roughly 1:00 in the morning.

6 THE COURT: I beg your pardon, Mr. Haag. I don't
7 have anything about No. 287. I have No. 286 and 283 and 285
8 and 291. Have I missed something?

9 THE CLERK: It was entered earlier, Your Honor.

10 THE COURT: Okay. Thank you.

11 MR. HAAG: Yes, Your Honor.

12 THE COURT: Sorry.

13 Q. (BY MR. HAAG) And you said -- I am sorry. What was the
14 date of the recording?

15 A. It is going to be February 23rd, 2011 at almost 1:00 in
16 the morning.

17 Q. Is that the same day as Mr. Aldawsari's arrest?

18 A. That is.

19 MR. HAAG: At this time play Government's Exhibit
20 No. 286, please.

21 (Whereupon, Government's Exhibit No. 286 was played
22 in open court.)

23 MR. HAAG: If you would, please, leave this up. I
24 have a couple of questions.

25 Q. (BY MR. HAAG) Prior to testifying today, did you examine

1 Government's Exhibit No. 338?

2 A. Yes, I did.

3 Q. Would you tell the jury, not contents, but what that
4 document is that you examined?

5 A. It would be an order form Cole-Parmer.

6 Q. And would you please spell Cole-Parmer?

7 A. C-O-L-E hyphen P-A-R-M-E-R.

8 Q. And here in the audio we see Mr. Aldawsari speaks out the
9 number 7802. Did you locate that number anywhere on
10 Government's Exhibit No. 338?

11 A. Yes, I did.

12 Q. He also gives the name here North Cedar and the name of
13 the city, you know, you put a comma and then the two letters
14 and then TX. Did you see the name North Cedar listed anywhere
15 in Government's Exhibit No. 338?

16 A. Yes, I did.

17 Q. Where did you locate that number and that name in
18 Government's Exhibit No. 338?

19 A. It was under the shipping address.

20 Q. I want to refer you now to Government's Exhibit No. 290
21 and 291. What is the date and time of this recording?

22 A. The date is February 23rd, 2011. The time is 3:16 in the
23 morning.

24 Q. So this is going to be just a couple of hours after the
25 last recording. Is that correct?

1 A. That is correct.

2 MR. HAAG: At this time please play Government's
3 Exhibit No. 290.

4 (Whereupon Government's Exhibit No. 290 was played
5 in open court.)

6 Q. (BY MR. HAAG) Now, earlier you mentioned 7802 North
7 Cedar. What is at that location in Lubbock, Texas?

8 A. It is a shipping and receiving FedEx center.

9 Q. Is this the same business that is mentioned in
10 Government's Exhibit No. 290 on the overhear?

11 A. Yes.

12 Q. I am going to refer you now to Government's Exhibit
13 No. 292 and 293. What is the date and time of this recording?

14 A. The date is February 23rd, 2011, and the time is going to
15 be approximately 6:30 in the morning.

16 Q. So there is going to be just about three hours after the
17 last audio recording. Is that correct?

18 A. That is correct.

19 MR. HAAG: Let's go ahead and at the time play
20 Government's Exhibit No. 292.

21 (Whereupon, Government's Exhibit No. 292 was played
22 in open court.)

23 Q. (BY MR. HAAG) Does this continue on with just some
24 inaudible noise?

25 A. That is correct.

1 MR. HAAG: Your Honor, at this time is where we will
2 get into the next issue that we previously discussed.

3 THE COURT: Let's take our noon lunch. 1:00, ladies
4 and gentlemen. Is that plenty of time for you?

5 All rise for the jury.

6 (Whereupon, the jury left the courtroom.)

7 THE COURT: All right. Let me ask you first, do you
8 want to talk to me before?

9 MR. HAAG: Yes, Your Honor.

10 THE COURT: Is now an appropriate time?

11 MR. HAAG: Yes, Your Honor, I believe so.

12 MR. COGDELL: I don't know what the issue is.

13 Mr. Doyle is handling it.

14 MR. HAAG: This Court ruled in its motion in limine
15 regarding Government's Exhibit No. 149, the video. It was
16 admissible if the Government could prove it came from the
17 Defendant's computer. On this next audio overhear there will
18 be some very distinctive music; an electric guitar that we can
19 match up with what is on the microphone overhear to the video
20 in Government's Exhibit No. 149, and that video is how to make
21 a cell phone detonator. And that is what we want to play once
22 we play the microphone overhear. That video has been admitted
23 into evidence already, but before I played it I wanted to
24 advise counsel and allow him an opportunity to object.

25 MR. DOYLE: I don't have any objections I can think

1 of right now.

2 THE COURT: All right. See you at 1:00.

3 (Lunch recess.)

4 THE COURT: Anything before we bring the jury in?

5 MR. COGDELL: No, sir.

6 MR. HAAG: No, Your Honor.

7 THE COURT: Bring them in, please.

8 (Whereupon, the jury entered the courtroom.)

9 THE COURT: Is that enough time? Okay. You may be
10 seated.

11 Ms. Hughes, you are still under oath.

12 THE WITNESS: Yes, sir.

13 Q. (BY MR. HAAG) Special Agent Hughes, I now want to refer
14 your attention to Government's Exhibit No. 278 and 279,
15 please. What is the date and time of this recording?

16 A. This recording was done on February 16th, 2011 at
17 approximately 2:15 in the morning.

18 Q. How many voices are there present on this microphone
19 overhear?

20 A. There is an unknown male voice and some unintelligible
21 noises that seem to be compatible with Khalid Aldawsari's
22 voice.

23 THE COURT: Compatible with what?

24 THE WITNESS: Compatible with Khalid Aldawsari's
25 voice, sir.

1 Q. (BY MR. HAAG) And when in this audio transcript are we
2 going to hear Mr. Aldawsari's voice? Is it the beginning or
3 the end?

4 A. Towards the end.

5 MR. HAAG: At this time, please, play Government's
6 exhibit -- Just one second.

7 Q. (BY MR. HAAG) Is this going to be in Arabic or in
8 English, the video we are going to hear?

9 A. This will be in Arabic.

10 Q. So the only thing we will have is the translation. Is
11 that correct?

12 A. That is correct.

13 MR. HAAG: Please play Government's Exhibit No. 278.
14 (Whereupon, Government's Exhibit No. 278 was played
15 in open court.)

16 Q. (BY MR. HAAG) Just a second ago did you hear any
17 distinctive music in the overhear?

18 A. Yes, I did.

19 Q. Were you able to examine Government's Exhibit No. 149 to
20 see if any of the YouTube favorite videos had that same music
21 in it?

22 A. Yes, I did.

23 Q. Did you identify one of those videos as having the same
24 music?

25 A. I did.

1 MR. HAAG: Your Honor, at this time I would ask to
2 play video No. 17 from Government's Exhibit No. 149, which has
3 been introduced into evidence.

4 THE COURT: All right.

5 (Whereupon, Government's Exhibit No. 149, Video
6 No. 17, was played in open court.)

7 MR. HAAG: Pass the witness, Your Honor.

8 THE COURT: Mr. Doyle?

9 MR. DOYLE: Thank you, Your Honor.

10 CROSS EXAMINATION

11 By Mr. Doyle:

12 Q. Special Agent Hughes, Paul Doyle. How are you?

13 A. Good, sir. How are you?

14 Q. Good. You started off your testimony referring to
15 Exhibit No. 338, which was an order from Khalid Aldawsari to
16 Cole-Parmer the night before he was arrested.

17 A. Correct.

18 Q. Correct? And after he made that order, the FBI went in
19 and arrested him.

20 A. Correct.

21 Q. Are you familiar with Government's Exhibit No. 339? Do
22 you have that in front of you?

23 A. I do not have that in front of me, but I see it here on
24 the list.

25 Q. You do?

1 A. Yes, sir.

2 MR. DOYLE: I would like to offer No. 339.

3 MR. HAAG: Your Honor, this item of evidence will be
4 coming in later through Mr. Whitaker. He is a business
5 records custodian for Cole-Parmer. I have no objection to him
6 showing it to her.

7 THE COURT: That is acceptable that way. We will
8 have one number for one exhibit.

9 MR. DOYLE: Okay. That is fine.

10 Could you publish No. 339, please?

11 Q. (BY MR. DOYLE) And Ms. Hughes, in Mr. Aldawsari's I
12 guess last attempt to attain chemicals, it was denied.

13 A. It would appear so, yes, sir.

14 Q. Cole-Parmer says, "We are not going to send this to
15 Federal Express," and they say, "We are not going to send it
16 to an individual." Correct?

17 A. Correct.

18 Q. So he wasn't even going to get his last order of phenol.

19 A. According to the email. Correct.

20 Q. The video -- The first video we heard--and I just want to
21 make sure that I am clear about this; I am sorry, audio
22 recording that the jury heard--you all have video in his
23 apartment that coincides with the audio. Right?

24 A. At times.

25 Q. And this is just Khalid Aldawsari talking to himself.

1 Correct?

2 A. Could you be more specific? Which time are you talking
3 about?

4 Q. The first one that we heard. I just want to make sure we
5 are clear on that.

6 A. Which exhibit number was that, sir?

7 Q. It was -- This was the one where he was talking about
8 here Cedar Park or Cedar --

9 A. Correct. It appears as though in that recording he was
10 talking to himself.

11 Q. He was not talking to anybody else.

12 A. No.

13 Q. And the recording, audio recording about Cole-Parmer, he
14 was talking to himself in that one, too.

15 A. Correct.

16 Q. And over these recordings, do you ever hear him giving
17 you a specific target or specific date in which he plans to
18 use a weapon of mass destruction?

19 A. No.

20 Q. When Mr. Aldawsari is watching this video, you don't see
21 him in the -- in the apartment cameras taking things out and
22 practicing as he is watching the video. Correct?

23 A. I didn't watch all the video, but of the ones I saw, I am
24 not aware of that. I am only familiar with the microphone
25 recordings.

1 Q. You didn't see him do a practice run?

2 A. Not on any of the videos that I saw, no.

3 MR. DOYLE: Could you play the last video at the one
4 minute mark, the last video you played, the YouTube video?

5 (Whereupon, a portion of the Government's Exhibit
6 No. 149, video No. 17, was played in open court.)

7 Q. (BY MR. DOYLE) Are you aware whether or not
8 Mr. Aldawsari had the base to put this component together?

9 A. I am not aware of what components -- if he had all those
10 components. I know that there was cell phones and appeared to
11 be double A batteries.

12 Q. Are you aware he didn't have the base?

13 A. Are you talking about the wood part, sir?

14 Q. Yes, the wood part.

15 A. Not to my knowledge.

16 Q. He also didn't have the zip ties.

17 A. I can't say whether or not he had the zip ties, sir.

18 Q. He didn't have the crocodile clips or alligator clips?

19 A. Again I don't know, sir.

20 Q. You don't know?

21 A. No, sir, I don't.

22 Q. Okay.

23 MR. DOYLE: No further questions.

24 THE COURT: Redirect?

25 MR. HAAG: Thank you, Your Honor.

1 REDIRECT EXAMINATION

2 By Mr. Haag:

3 Q. Mr. Doyle asked about whether you heard a practice run on
4 the two overhears where he was talking about 7202 Cedar and
5 the FedEx. Did those appear to be sort of a practice run in
6 talking it through?

7 A. Yes, it appeared to be he was practicing his speech he
8 might give to somebody he was ordering the chemicals from, or
9 if he had to give an address what he might say to them.

10 MR. HAAG: Nothing further, Your Honor.

11 RECROSS EXAMINATION

12 By Mr. Doyle:

13 Q. Just so we are clear, he was practicing to attempt to
14 obtain phenol.

15 A. It appears as though he was, yes.

16 MR. DOYLE: No further questions.

17 THE COURT: All right. You may step down. Thank
18 you, ma'am.

19 THE WITNESS: Thank you, sir.

20 Your next witness?

21 MR. HAAG: Thank you, Your Honor.

22 The United States calls special agent Loretta Smitherman.

23 (Whereupon, the oath was administered by the Clerk.)
24
25

1 LORETTA SMITHERMAN,

2 Testified on direct examination by Mr. Haag as follows:

3 Q. Good afternoon, Special Agent Smitherman.

4 A. Good afternoon.

5 Q. Would you please state your name?

6 A. My name is Loretta Smitherman.

7 Q. If you would, there is a microphone. Move that a little
8 closer so the jury can hear you. Thank you.

9 How are you employed?

10 A. I am a special agent with the FBI.

11 Q. Where is your office located at?

12 A. Dallas, Texas.

13 Q. What section of the Dallas FBI do you serve in?

14 A. I work for the Counterterrorism Squad.

15 Q. How long have you served with the FBI?

16 A. More than 21 years.

17 Q. Throughout to course of your career, how many
18 investigations have you participated in?

19 A. I would say at least 100.

20 Q. Have you received specialized training in
21 counterterrorism investigations?

22 A. Yes, I have.

23 Q. Would you please describe that training for the jury?

24 A. I have taken counterterrorism courses back at our academy
25 at Quantico, Virginia; I have had training that was given

1 there in the Dallas field office; and I have had numerous
2 web-based training courses. Training pretty much never stops.

3 Q. Are you familiar with the investigation in this case?

4 A. Yes, I am.

5 Q. What was your role in the investigation of this case?

6 A. I was in charge of the electronic monitoring that was
7 taking place back in Dallas.

8 Q. Did you ever deploy to Lubbock during the course of this
9 investigation?

10 A. On the day of the arrest.

11 Q. Prior to that time did you ever deploy to Lubbock?

12 A. No. I was in Dallas the entire time.

13 Q. And one of your co-case agents, who was that?

14 A. That is Mike Orndorff.

15 Q. And Mr. Orndorff is going to talk about his role in just
16 a minute, but if you would, your side of the house, what did
17 you cover as case agent?

18 A. Well, in Dallas we were monitoring and analyzing
19 Mr. Aldawsari's communications. Anything that we collected
20 electronically, such as emails, telephone calls, the video in
21 his apartment, the microphones in the apartment, all of that
22 was piped to Dallas where we had the ability to log in to our
23 systems that are used for collection and to review that.

24 Q. We are here to discuss a couple of things today; first of
25 all, some Lacie thumb drive videos and some emails. Are you

1 familiar with what has been admitted into evidence as Exhibit
2 No. 311, a CD generated by Special Agent Mike Morris with the
3 North Texas Regional Forensics Laboratory?

4 A. Yes, I am.

5 Q. What is that exhibit?

6 A. That is the mirrored image of the contents of all of the
7 data that was on the Lacie thumb drive.

8 Q. Did you extract any videos from Government's Exhibit
9 No. 311 and make them onto separate CDs or DVDs?

10 A. I didn't do that copying myself, but that was done by
11 another FBI person, but I have reviewed all of the files that
12 were transferred onto the CDs.

13 Q. And I am going to refer to Government's Exhibit No. 170,
14 173, 175, 176, 177, 179, 181, 183, and 185. Prior to
15 testifying here today, have you examined those exhibits?

16 A. Yes, I have.

17 Q. Did you compare each of those exhibits with the videos in
18 Government's Exhibit No. 311?

19 A. Yes, I did.

20 Q. And how do those videos compare?

21 A. They were identical matches.

22 MR. HAAG: Your Honor, at this time move to admit
23 into evidence Government's Exhibit No. 170, 173, 175, 176,
24 177, 179, 181, 183, and 185.

25 MR. COGDELL: No objection, other than the ones we

1 have previously raised, Your Honor. And I am assuming that
2 these, like the others, follow the ambit of the Court's
3 ruling.

4 THE COURT: They are received without objection
5 within the parameters of prior rulings.

6 MR. HAAG: Thank you, Your Honor.

7 Q. (BY MR. HAAG) Let's next turn and talk a little about
8 the Defendant's emails in this case. Were there any
9 electronic emails intercepted in this case?

10 A. Yes, there were.

11 Q. Are you familiar with how those electronic communications
12 were received?

13 A. Yes. We obtained a lawful court order and then the court
14 order was served to the email providers. The email providers
15 then will clone the account, and clone is an expression that
16 we use that means that they will just make a duplicate of
17 everything that is already in the account and everything that
18 comes into the account, and they then send that information to
19 the FBI.

20 Q. Okay. And let's go ahead and take it step by step. So
21 the first step after you obtain the lawful court order and you
22 are coordinating, which companies are you coordinating to
23 obtain the emails?

24 A. Well, in this case Microsoft was one of the providers
25 that Mr. Aldawsari used, both the live.com email as well as

1 hotmail.com are both provided by Microsoft. And then we also
2 had Google, a gmail account which is -- belongs to Google, and
3 we also had Texas Tech University, a ttu.edu account as one of
4 the providers.

5 Q. What about the Defendant's internet service provider
6 Suddenlink or New Star?

7 A. Yes. We knew by the IP address that Carolina Biological
8 Supply gave us that -- we knew that that IP address was linked
9 to Mr. Aldawsari's online order for phenol, so we served a
10 subpoena to Suddenlink, which is an internet service provider,
11 and that IP address belongs to them and they were able to tell
12 us who the customer was in that case.

13 Q. Now, with regard to the internet service provider
14 accounts and the email accounts, who is the entity at the FBI
15 that coordinates with them to obtain the data?

16 A. That is the FBI's Data Intercept Technology Unit, and
17 they are back at Quantico, Virginia.

18 Q. Okay. Do they have liaisons or personnel that work
19 directly with these companies?

20 A. Yes, they do.

21 Q. Once the information is coordinated between the Data
22 Intercept Technology Unit and the company, where does the
23 information go to?

24 A. It is all sent electronically to our Data Intercept
25 Technology Unit back at Quantico, Virginia.

1 Q. How do they make that information available to you?

2 A. And then they will push it out or upload it to a system
3 that can be accessed by any of our field offices across the
4 FBI and across the United States.

5 Q. What is the name of that database that you use?

6 A. It is the Data Warehouse System.

7 Q. Do you also refer to it as a DWS?

8 A. Yes, we do.

9 Q. When information comes into the DWS, or the Data
10 Warehouse System, is it assigned a unique number?

11 A. Yes. Each email that comes across has its own product ID
12 number.

13 Q. Are you able to make changes or alterations to something
14 stored in the Data Warehouse System?

15 A. No, we cannot.

16 Q. This process that you discussed whereby the internet
17 service provider or the email provider coordinated with the
18 FBI, is this a reliable process?

19 A. Yes.

20 Q. Is this the standard process that the FBI uses in most
21 all cases?

22 A. Yes, it is.

23 Q. Under this process that you just described, have you ever
24 received emails from the wrong account?

25 A. No.

1 Q. And let's go ahead at this time, would you list for the
2 jury what email accounts were captured in this case?

3 A. One of them was abu.zidan00@live.com. Another was
4 f.k.n.800@hotmail.com. Another was worldfm99@yahoo.com,
5 another was k.al-dawsari@ttu.edu. And another that we
6 intercepted was k.aldawsari@gmail.com.

7 Q. What is the header information that is on an email?

8 A. That is the information that usually appears at the top
9 of an email and it has the date, the time that the email was
10 sent, it has the "from" information and the "to" information.
11 Those will usually be a username and an email address that the
12 person who is receiving the email. It will also have, not
13 always but often, will have the IP address of the sender of
14 the email.

15 Q. Did you examine the header information to ensure that you
16 were receiving the correct information?

17 A. Yes, I did.

18 Q. Did you also receive emails directly from other
19 businesses outside the method that we just talked about?

20 A. Yes.

21 Q. Did you have a chance to examine the emails that were
22 provided by these various businesses?

23 A. Yes.

24 Q. Did you compare them to the emails that you retrieved
25 from the Data Warehouse System?

1 A. Yes, I did.

2 Q. And did they match?

3 A. They did.

4 Q. Let's turn to Government's Exhibit No. 190 through 274.
5 Prior to testifying today, have you examined each of these
6 exhibits?

7 A. Yes, I have.

8 Q. And are these true and correct copies of the emails
9 provided to the Data Warehouse System through the process you
10 just described?

11 A. Yes.

12 Q. Did you compare these exhibits with the emails that you
13 have stored in the Data Warehouse Systems to ensure that they
14 are the same?

15 A. Yes.

16 MR. HAAG: Your Honor, at this time move to admit
17 Government's Exhibit No. 190 through 274.

18 MR. COGDELL: The same position, Your Honor.

19 THE COURT: Same ruling. Received.

20 Q. (BY MR. HAAG) Now, before we go through any
21 exhibits--and I will tell the jury that we aren't going to go
22 through all of them--but before we go through any of the
23 exhibits, let's go ahead and talk just briefly about a
24 category of the emails. Are there any order confirmations
25 that are listed in these emails?

1 A. Yes. There are several.

2 Q. And if you would just give the jury a flavor for some of
3 the order confirmations that are going to be listed in the
4 emails.

5 A. There are several orders that were placed online with
6 amazon.com, and when you place an order with amazon.com, then
7 you will receive an automatically generated confirmation
8 email. So many of them are those and, therefore, some of the
9 lab equipment that we saw as well as the sulfuric and the
10 nitric acid. There is some emails, automatic confirmations
11 from eBay, emails like that.

12 Q. Were you able to match up the order confirmations with
13 the items of physical evidence recovered from Mr. Aldawsari's
14 apartment and that we talked about on Friday?

15 A. Yes.

16 Q. Okay. We will go ahead and go through, then -- We will
17 skip over those exhibits and go through some other ones.

18 Let's first turn to Government's Exhibit No. 200, please. And
19 looking at Government's Exhibit No. 200, we see at the top of
20 this email next to the subject line, what sort of writing does
21 that appear to be?

22 A. That is Arabic script.

23 Q. Okay. And if we turn to Government's Exhibit No. 201,
24 does it have a translation of what that Arabic means?

25 A. Yes. The translation is Abu Ghraib.

1 Q. So where it says "subject," in English it would read "Abu
2 Ghraib." Is that correct?

3 A. Yes.

4 Q. We will look at this exhibit because the readability is
5 easier than No. 201. Do you see the name Sabrina Harmon
6 anywhere in this email?

7 A. Yes, I do.

8 Q. Where do you see Ms. Harmon's name?

9 A. It is at the beginning of the second paragraph.

10 Q. Let's go ahead and we will go down -- If you will look at
11 the first bullet point, do you see the name Charles Graner?

12 A. Yes, I do.

13 Q. And if you would go to the sentence that starts
14 "Prosecutors described" and read that sentence, please.

15 A. "Prosecutors described Graner, who is said to be
16 England's ex-boyfriend, as the ringleader of a group of Abu
17 Ghraib guards who mistreated Iraqi detainees."

18 Q. Do you see the name Armin Cruz on this email?

19 A. Yes, I do.

20 Q. Where do you see Mr. Cruz's name?

21 A. It is about four bullet points down from the Charles
22 Graner bullet point.

23 Q. Let's go ahead and we will move on to Government's
24 Exhibit No. 202, please. Let's look first at the header
25 information. What is the subject line in this email?

1 A. "Targets."

2 Q. What is the date of this email?

3 A. September 21st, 2010.

4 Q. And right below it lists two important sources, and then
5 what is the next header?

6 A. It says "The targets."

7 Q. Let's look at -- What is the first name or what is No. 1
8 on the list of targets?

9 A. "SPC Sabrina D. Harmon."

10 Q. Does it give any information for Ms. Harmon?

11 A. It has an address and a telephone number.

12 Q. Does it also have some clicks or links as well?

13 A. Yes, it does.

14 Q. What are some of those links for?

15 A. There is a google.com link to photographs of
16 Ms. Harmon.

17 Q. Let's move to No. 2. Who is the second target in this
18 email?

19 A. Charles A. Graner.

20 Q. Does it provide the same information that was provided
21 for Ms. Harmon?

22 A. Yes, it does.

23 Q. And what is the third and last name?

24 A. Armin Cruz.

25 Q. If we go to the next page. Does this email likewise

1 provide the same information for Mr. Cruz?

2 A. Yes.

3 Q. Let's turn to Government's Exhibit No. 208, please. And
4 we are going to have to talk about the significance of this
5 email as it relates to a couple we are going to see here in
6 just a minute.

7 In the subject line, would you please read for the jury
8 what is listed in the subject line.

9 A. "This is overtime00."

10 Q. And have you seen that name overtime00 before?

11 A. Yes.

12 Q. Who is that associated with?

13 A. That is the username for Mr. Aldawsari's YouTube account.

14 Q. And who is the sender of this account, the from?

15 A. It says it is from John Micah.

16 Q. What is Mr. Micah's email address that is listed there?

17 A. f.k.n.800@hotmail.com.

18 Q. And what is the first four words of the body of that
19 email?

20 A. "My name is Khalid."

21 Q. Based on the overtime00 and "my name is Khalid," did you
22 form any opinion as to who this might be?

23 A. Yes. I believe this is an email from Mr. Aldawsari.

24 Q. Let's go ahead and turn to Government's Exhibit No. 213,
25 please. What is the subject line that is listed in this

1 email?

2 A. "Explo addresses."

3 Q. And over on the right side of the email it lists an
4 address. Would you please read that out for the jury?

5 A. doyouknew@hotmail.com.

6 Q. Let's turn to Government's Exhibit No. 214, the email
7 that was sent to Do You Knew. Let's look first at the header
8 information. What is in the header information of this email?

9 A. "Help."

10 Q. Who is the sender that is listed?

11 A. John Micah.

12 Q. What is John Micah's email address?

13 A. f.k.n.800@hotmail.com.

14 Q. And as we mentioned a couple of emails ago, were you able
15 to associate that with the Defendant Mr. Aldawsari?

16 A. Yes.

17 Q. Okay. And who is the email sent to?

18 A. doyouknew@hotmail.com.

19 MR. HAAG: Okay. If we can please turn to
20 Government's No. 215 and look at the translation. And if you
21 will turn to the next page and if you will just highlight the
22 bottom portion, please. Thank you.

23 Q. (BY MR. HAAG) Would you please read the email that
24 Mr. Aldawsari sent to doyouknew@hotmail.com?

25 A. "Peace be upon you, God's mercy and blessings. My

1 brother in God, to be brief."

2 THE COURT: Slowly, please.

3 THE WITNESS: "If you have information about the
4 manufacture of explosives, I hope that you are not holding
5 from your brother what knowledge God has given you. Please
6 send to me information about how to manufacture them in
7 details. May God compensate you and reward you the best of
8 rewards. Peace be upon you, God's mercy and blessings."

9 Q. Let's turn to Government's Exhibit No. 216, please.
10 Would you please read the subject line in this email?

11 A. "Nice targets."

12 Q. And it lists a No. 1 and a No. 2. What is listed under
13 No. 1?

14 A. "Hydroelectric dams."

15 Q. What is listed under No. 2?

16 A. "Nuclear power plants."

17 Q. And then below that we have a section entitled
18 "considerations."

19 MR. HAAG: Would you please highlight that,
20 Ms. Christensen?

21 Q. (BY MR. HAAG) And Special Agent Smitherman, would you
22 please read the considerations that were on this email?

23 A. "A serious danger associated with nuclear power plants is
24 the threat of terrorism."

25 Q. Let's go ahead and we will skip on down to the portion

1 that is highlighted in red, please, and just read that
2 sentence.

3 A. "If a bombing occurred within the power plant,
4 specifically the reactor, the radioactive output could impact
5 every living thing within a 2- to 8-mile radius even with a
6 small explosion."

7 Q. Now, this portion that was highlighted in red, is that
8 something you did or is that how the email originally
9 appeared?

10 A. No, that is how it appeared.

11 Q. Turn to Government's Exhibit No. 217, please. Let's look
12 at the header information in this email. What is the header
13 of this email?

14 A. "Nice targets 01."

15 Q. And what is listed under "nice targets 01"?

16 A. "Hydroelectric dams."

17 Q. And in what two states does it list out hydroelectric
18 dams?

19 A. In Colorado and in California.

20 Q. Let's turn to Government's Exhibit No. 219, please. What
21 is the header or subject header information in this email?

22 A. "NYC street cameras."

23 Q. What is listed in the body of the email?

24 A. It is a web address, nyctmc.org.

25 Q. Were you able to go to that website?

1 A. Yes.

2 Q. What information in general is contained on that website?

3 A. That is the website for the New York City Department of
4 Transportation, and it has LINKS to realtime traffic cameras
5 throughout the city of New York.

6 MR. HAAG: Let's go ahead and look at Government's
7 Exhibit No. 227, and we will look first at Government's No.
8 227. Let's go ahead and blow up the header information,
9 please.

10 Q. (BY MR. HAAG) In the header information, what is the
11 subject line?

12 A. "Clock."

13 Q. What is the date of this email?

14 A. December 2nd, 2010.

15 Q. Let's go ahead and we will go to Exhibit No. -- In what
16 language is this email written?

17 A. It is written in Arabic.

18 MR. HAAG: Let's go ahead and to Government Exhibit
19 No. 228 and look at the English translation. And if you will
20 turn to page 3 of that document. And if you would highlight
21 the last two paragraphs, please.

22 Q. (BY MR. HAAG) Would you please read what is listed or
23 what is printed here in this email?

24 A. "Dear brothers, this is a simple lesson on how to
25 booby-trap a car using simple materials which are available in

1 every household, and each one of us can make it. This lesson
2 is directed especially to the brothers in America and Europe
3 who are the head of the spear in the war against the crusader
4 enemy. Should one of you succeed in carrying out a large
5 operation in one of the European nations which participate in
6 the war against Muslims, this operation might lead to the
7 withdrawal of this nation from the war."

8 THE COURT: "This war."

9 THE WITNESS: "As we have witnessed the withdrawal
10 of Spain from the war in Iraq following the blessed Madrid
11 raids.

12 "So, my Muslim brothers in the land of the West, don't
13 let any among you neglect this duty and say, 'I didn't receive
14 training in Khost or Kandahar, and I didn't go to Waziristan
15 and didn't fight in Iraq.'"

16 Q. (BY MR. HAAG) If you would turn the page to page 4 and
17 just read the first paragraph.

18 A. "He should rather rely on God, have a sincere intention,
19 think of the reasons and he will find himself, God willing, a
20 jihadist killing the infidels. We know that one operation in
21 the land of the infidels equals tens of operations against the
22 soldiers occupying Muslims' land."

23 Q. Turn to page 5, please. And if you would please read
24 that first paragraph.

25 A. "These are the same explosive materials used by mujahid

1 brother Faisal Shahzad--may God hold him steady and release
2 him--in the booby-trapped car which was supposed to blow up in
3 Times Square. He managed to bypass all barricades and didn't
4 attract any attention to him until he drove the booby-trapped
5 car to the target. Had there not been an error in the
6 booby-trapping there would have been a huge killing of
7 Americans."

8 Q. Let's turn to Government's Exhibit No. 235, please. And
9 looking at the header information of this email, what is
10 listed in the header information as far as subject, as far as
11 the subject?

12 A. It says "Saek good."

13 Q. And then we have some writing, and in what language is
14 this email going to be?

15 A. It is in Arabic.

16 Q. Let's look at the English translation in Government's
17 Exhibit No. 236.

18 MR. HAAG: I am sorry, Ms. Christensen. If you
19 could go all the way down, there is a number 2 located below
20 the picture of the phones. If you could enlarge that.

21 Q. (BY MR. HAAG) And if you would, right below it has a web
22 address and begins "illustrated." Would you read that
23 sentence?

24 A. "Illustrated explanation for the first lesson."

25 Q. What does it say in blue?

1 A. "Material needed."

2 Q. Okay. What is the first step?

3 A. "We need a mobile phone like this one."

4 Q. And what is the second item listed on the material
5 needed?

6 A. "Solder iron."

7 Q. If we could turn the page to page 4. What is No. 3?

8 A. "Solder foil."

9 Q. No. 4?

10 A. "Screw driver container/we will use only the one that
11 opens the phone."

12 Q. And if we will turn the page. No. 5 on material needed?

13 A. "Fine electrical 1.5 volt wires."

14 Q. No. 6?

15 A. "Electric testing device."

16 Q. No. 7?

17 A. "Lightbulb 3 volts."

18 Q. And we will ahead and go to page 6, please, and we will
19 go down and look at the bottom. At this point in the email
20 what is the information that is conveyed?

21 A. It says "method."

22 Q. And does it at this point begin to walk the user through
23 certain steps to make something?

24 A. Yes.

25 Q. Okay. And if you would, we will go ahead and read that

1 first one.

2 A. "Disassemble the phone using the screwdriver. The main
3 phone chip will appear like this."

4 Q. Turn the page, please. And the next instruction?

5 A. "This is a photo of the vibrating dynamo which you will
6 connect two wires to its connector parallel to each other."

7 Q. Turn the page, please, to page 8. And what is the next
8 instruction?

9 A. "The two wires will be soldered onto the two connecting
10 poles of the dynamo. This is the vibrating dynamo."

11 Q. And step 2?

12 A. "We now solder the two wires on the poles of the
13 connector as illustrated in the following photo."

14 Q. Turn the page, please. And read that next step.

15 A. "And this picture shows the phone after soldering the two
16 wires on the dynamo's poles."

17 Q. Next page, please. And then there is just some writing
18 on the far right corner. What does that say?

19 A. "And this one, too."

20 Q. Page 11. What is the next step?

21 A. "Tape an adhesive tape on the two wires to prevent their
22 movement."

23 Q. Page 12, please. And the next step?

24 A. "Now, reassemble the phone."

25 Q. And the next step?

1 A. "This is the picture of the phone after reassembling it
2 and the two wires are coming out of it."

3 Q. The next page. And read the last set of instructions?

4 A. "Now, test the two wires with the electric testing device
5 to ensure that they are working. When you see the numbers
6 moving in the instrument screen, it means that the two wires
7 are good. Now bring a 3 volt lightbulb, then solder it with
8 two wires."

9 Q. Turn the page, please. I am sorry. There is a couple of
10 more pages. Please read the next instruction.

11 A. "Tie the tips of the two wires coming out of the
12 lightbulb with the tips of the two wires coming out of the
13 phone and then call the phone, but don't forget to put the
14 phone on the vibrate mode. You will notice the following."

15 Q. Turn the page, please.

16 A. "You will execute the same method with the detonator, but
17 while dealing with the detonator, you have to be more cautious
18 and check the phone multiple times before connecting it to the
19 detonator."

20 Q. Let's take a look at Government's Exhibit No. 237,
21 please. What is this email written in?

22 A. It is written in Arabic.

23 Q. And let's go ahead and we will go to page -- I am sorry.
24 Go to Government's Exhibit No. 238, the English translation.
25 And go to page No. 30, please. And let's go down to the

1 bottom where it is listed in red. And would you please read
2 the first sentence?

3 A. "Timed long-range explosion. Section one, beginners.
4 Needed equipment."

5 Q. Turn to page 31. And on the top and bottom of the
6 photograph, there are some English translations. Would you
7 please read what those English translations are?

8 A. Yes. "Clock, timed explosion equipment, 9 volt battery,
9 test bulb."

10 Q. And then below, what does this figure show?

11 A. A figure showing the composition.

12 MR. HAAG: Turn the page, please, to page 32. And
13 over on the right hand side it says "needed materials." Can
14 we highlight that portion, please?

15 Q. (BY MR. HAAG) And what are the things listed on the
16 "needed materials"?

17 A. "1, a timer," and in parentheses it says "alarm clock;"
18 "2, wires; 3, 9 volt battery; 4, a small lightbulb for
19 testing."

20 MR. HAAG: And if we can go ahead and pull back out
21 and look at the entire email. We won't read this next
22 section, but in general what does the next section set out in
23 this email?

24 A. It explains how to construct the detonator with those
25 materials.

1 MR. HAAG: Turn to page 33, please. And if you go
2 where it says in blue "notice," and if we could highlight that
3 sentence right below that.

4 Q. (BY MR. HAAG) Would you please read the sentence right
5 below the notice?

6 A. "The same thing can be done with the mobile phone whether
7 by extending two wires out of the telephone receiver terminals
8 after removing it or the terminals of the vibrator, Verbeur,
9 after removing it."

10 Q. Let's go ahead and we will go to Government's Exhibit
11 No. 245. And there is one email on the purchase that we
12 haven't talked about that we will talk a little bit here.
13 What is the subject line of this email?

14 A. "Your email to Lizzy Baxley."

15 Q. And who is the sender of this email?

16 A. It is an automatic email from amazon.com.

17 Q. Who is the email to?

18 A. K. Al-Dawsari.

19 Q. And it says -- if you would please read the first
20 sentence.

21 A. "Here is a copy of the email that you sent to Lizzy
22 Baxley."

23 Q. And then below it it references an order. What is the
24 order referenced?

25 A. "One of three gallons of concentrated sulfuric acid."

1 Q. And what was the email that was sent to Lizzy Baxley
2 under "begin message"?

3 A. "Hi. Can you tell me when I will receive my order?
4 Thanks."

5 Q. Let's turn to Government's Exhibit No. 247 and look at
6 the response. And what is this right here, No. 247?

7 A. This is an email from Lizzy Baxley through Amazon
8 Marketplace.

9 Q. Who is it to?

10 A. To K. Al-Dawsari.

11 Q. And what does Lizzy Baxley tell Mr. Aldawsari in this
12 email?

13 A. A FedEx tracking number is provided and it shows that the
14 package was delivered Saturday. "The note shows delivered to
15 address other than recipient. I believe this means a
16 neighbor."

17 MR. HAAG: Go ahead and turn to Government's Exhibit
18 No. 253, please. And if we could highlight the header
19 information.

20 Q. (BY MR. HAAG) What is the subject line in the email
21 header information here?

22 A. "Dallas festivals."

23 Q. What is the date of this email?

24 A. December 16, 2010.

25 Q. And what is the website that is listed below that?

1 A. www.dallasarboretum.org.

2 Q. Let's turn to Government's Exhibit No. 258, please. What
3 is the subject line in the header of this email?

4 A. "Lab clothes."

5 Q. What is the date of the email?

6 A. January 20, 2011.

7 Q. And who is it from and to?

8 A. It is from Khalid Aldawsari to Khalid Aldawsari.

9 Q. What are the three items that are listed under "lab
10 clothes"?

11 A. "A gas mask, chemical coverall, and shoes and gloves."

12 Q. Let's turn to Government's Exhibit No. 260 and look at an
13 order. First just the header information, please. What is
14 the subject line of this email?

15 A. "Your eBay bid is confirmed. US M42 gas mask/protective
16 mask, medium."

17 Q. And who is the sender of the email?

18 A. eBay.

19 Q. What is the date of the email?

20 A. January 22nd, 2011.

21 Q. And if we can go ahead and go back. And then there is a
22 -- It has got two polaroids it looks like together, and it has
23 got a description of the item in the center of the email. And
24 what is the bid that has been made on what product?

25 A. The product is US M42 gas mask/protective mask, medium

1 for \$25.

2 Q. Let's turn to the next page. I am sorry. The next
3 exhibit, Government's Exhibit No. 261. And here we have got
4 an email and what is in the subject line of the email?

5 A. "MC 999 eBay listing removed."

6 Q. Who is this email to?

7 A. To k.aldawsari@gmail.com.

8 Q. If you would, would you read the last sentence displayed
9 on the screen?

10 A. "We're sorry to tell you that the item isn't available
11 for purchase anymore. We removed the listing because it
12 likely fell into one of these three categories."

13 Q. And then it lists several categories as to why the item
14 may have been removed. Correct?

15 A. Yes.

16 Q. Let's go ahead and look at Government's Exhibit No. 266,
17 please. Looking at the header information for this email,
18 what is the subject line of this email?

19 A. "Tyrant's house."

20 Q. And then in the body of this email -- I am sorry. What
21 is the date of the email?

22 A. February 5th, 2011.

23 Q. And on what day was Mr. Aldawsari arrested?

24 A. February 23rd.

25 Q. It lists an address there. Would you please read that

1 address?

2 A. 10141 Daria Place, Dallas, Texas.

3 Q. Are you familiar with Dallas?

4 A. Yes.

5 Q. Are you familiar with that address?

6 A. Yes.

7 Q. Whose address is that?

8 A. That is the Dallas residence of former President George
9 Bush and his wife Laura.

10 Q. Let's turn to Government's Exhibit No. 267, please.

11 Special Agent Morris talked a little bit about this a little
12 this morning. What is the subject line in this email?

13 A. "P.A."

14 Q. What is the date of the email?

15 A. February 11th, 2011.

16 Q. And what is the first two words that are listed?

17 A. "Picric acid."

18 Q. Okay. And we are going to read some of the portions of
19 this email. After "TNT" it says -- there is an A with a weird
20 symbol above it, and it says, "it another explosive." Would
21 you read from there and read the next two sentences.

22 A. "It another explosive that is fairly simple to make,
23 assuming that one can acquire the concentrated sulfuric and
24 nitric acids. It's procedure for manufacture is given in many
25 college chemistry lab manuals, and is easy to follow. The

1 main problem with picric acid is its tendency to form
2 dangerously sensitive and unstable picrate salts such as
3 potassium picrate."

4 Q. And then the very last sentence of that paragraph, what
5 does that say?

6 A. "A social deviant would probably use a formula similar to
7 the one presented here to make picric acid."

8 MR. HAAG: And if we can go ahead and go back out
9 and look at the entire document, please.

10 Q. (BY MR. HAAG) And what is the first part or first items
11 that are listed in the email?

12 A. Phenol.

13 Q. I am sorry. Right at the very top where begins two As
14 and then "materials"?

15 A. "Materials and equipment."

16 Q. Okay. And in general, does this email list out the
17 materials and the equipment that will be needed?

18 A. Yes.

19 Q. Let's turn the page. And does the email then go on to
20 give step-by-step instructions for how to manufacture picric
21 acid?

22 A. Yes, it does.

23 Q. And we will talk about that a little bit later on.

24 Let's go ahead and move to Government's Exhibit No. 269,
25 please. And looking at the header information first, what is

1 the subject of this email?

2 A. "P.A. from asprn."

3 Q. What is the date of the email?

4 A. February 12th, 2011.

5 Q. If we can go ahead and look, and what is the title of
6 this email?

7 A. "Plastique explosive from aspirin."

8 Q. And the first section we are going to look at is going to
9 be in that first paragraph, and if you would read starting
10 from "This explosive" and keep reading until I ask you to
11 stop, please.

12 A. "This explosive is a phenol derivative. It is toxic and
13 explosive compounds made from picric acid are poisonous if
14 inhaled, ingested, or handled and absorbed through the skin.
15 The toxicity of this explosive restricts its use due to the
16 fact that overexposure in most cases causes liver and kidney
17 failure and sometimes death if immediate treatment is not
18 obtained."

19 Q. Okay. Let's go ahead and we will move on down to the end
20 of that same paragraph to the sentence that begins
21 "Originally."

22 A. "Originally this explosive was derived from coal tar, but
23 thanks to modern chemistry one can make this one easily in
24 approximately 3 hours from acetylsalicylic acid," and in
25 parentheses it says "aspirin purified and headache reliever."

1 Q. Does the email then go on to discuss a method for
2 manufacture from the aspirin?

3 A. Yes, it does.

4 Q. Let's turn finally to Government's Exhibit No. 274,
5 please. What is the subject line of this email?

6 A. "Cole-Parmer order confirmation."

7 Q. And who is this email to?

8 A. k.aldawsari@gmail.com.

9 Q. What is the date of this email?

10 A. February 23rd, 2011.

11 Q. Is this the same day as Mr. Aldawsari's arrest?

12 A. Yes, it is.

13 Q. And it has the Cole-Parmer logo and then who is it
14 addressed to?

15 A. Khalid Aldawsari.

16 Q. Okay. Let's go ahead and we will go down and where it
17 says -- Do you see about the middle of the screen it says
18 "placed on." What date and time was this order placed?

19 A. February 23rd, 2011 at 12:42:14 a.m.

20 Q. And under "contact information," what is the first and
21 last name listed there?

22 A. Khalid Aldawsari.

23 Q. And the phone number and the email, are those consistent
24 with Mr. Aldawsari's phone number and his email address?

25 A. Yes, they are.

1 Q. Let's go ahead and we will go down. Under "order
2 details" it lists the quantity, a product description, and a
3 price. What is the quantity that was ordered?

4 A. There were two.

5 Q. What is the product description that was ordered?

6 A. Phenol 99 percent.

7 Q. And the total price out to the right?

8 A. \$233.80.

9 Q. Let's go ahead and look down at the shipping information.
10 We talked a little bit a little about this earlier. What is
11 the organization that is listed on the shipping information?

12 A. "Disinfectants, Limited."

13 Q. What is the addresses that given for Disinfectants,
14 Limited?

15 A. 7802 North Cedar Avenue, Lubbock, Texas.

16 Q. And let's go ahead and turn to the next page, please.
17 And looking under the billing information, what address is
18 listed there in the billing information?

19 A. 2400 Glenna Goodacre Boulevard, apartment 2303, Lubbock,
20 Texas.

21 Q. And on the payment method, what is the payment method
22 used here?

23 A. It is a Visa card.

24 Q. The cardholder's name?

25 A. Khalid Aldawsari.

1 Q. Special Agent Smitherman, in several of these emails we
2 saw that the "from" email address was the exact same as the
3 "to" email address.

4 A. Yes.

5 Q. Why is that?

6 A. Because Mr. Aldawsari was sending the email to himself.

7 Q. Was it a way for him to record information?

8 A. Yes, so that he could reference it later on.

9 MR. HAAG: Pass the witness, Your Honor.

10 MR. COGDELL: May we have a real quick sidebar, Your
11 Honor, with the Court?

12 THE COURT: Yes, sir.

13 (Discussion at the bench, out of the hearing of the
14 reporter.)

15 THE COURT: Let's go ahead and take our 15-minute
16 afternoon break, ladies and gentlemen. If you need another
17 one later on in the afternoon let me know. Fifteen minutes.

18 (Whereupon, the jury left the courtroom.)

19 THE COURT: Fifteen minutes.

20 (Brief recess.)

21 THE COURT: Anything before we bring the jury in?
22 If you will bring them in, please, sir.

23 (Whereupon, the jury entered the courtroom.)

24 THE COURT: You may be seated.

25 Ladies and gentlemen, if you all need another break

1 during the day, let one of us know. Thank you.

2 MR. COGDELL: May I proceed, Your Honor?

3 THE COURT: You may.

4 CROSS EXAMINATION

5 By Mr. Cogdell: ?

6 Q. Special Agent Smitherman, I think I have seen you in the
7 courtroom pretty much the entire time the trial has been going
8 on. Is that correct?

9 A. Yes.

10 Q. So you have heard the testimony of the other witnesses?

11 A. Some of it.

12 Q. Okay. First thing I want to talk to you about is some of
13 the potential targets you covered with Mr. Haag on your direct
14 examination. Okay?

15 A. Yes.

16 Q. The first one that I recall, Special Agent Smitherman,
17 was Ms. Harmon. Right?

18 A. Yes.

19 Q. And she was a prison guard. Right?

20 A. Yes.

21 Q. The second was a Mr. Graven?

22 A. Graner.

23 Q. Graner. G-R-A-N-E-R. Is that right?

24 A. Yes.

25 Q. And she was a guard. He was a guard. Right?

1 A. Yes.

2 Q. A Mr. Cruz?

3 A. Yes.

4 Q. Refresh our memory on who Mr. Cruz was?

5 A. I believe he was also a prison guard.

6 Q. Okay. There were -- He mentioned some hydroelectric
7 dams. Correct?

8 A. Yes.

9 Q. Nuclear power plants?

10 A. Yes.

11 Q. Assumedly one involving New York City?

12 A. Yes. There were New York City street cameras.

13 Q. Yes, ma'am. But from your perspective, that is
14 potentially -- that was Mr. Aldawsari considering a potential
15 attack on New York City. Right?

16 A. Yes.

17 Q. I am assuming the Dallas festival triggered some concern
18 for you as a potential target?

19 A. Yes.

20 Q. And then the last was the home of President Bush 43.
21 Right?

22 A. Yes.

23 Q. Now, within the dams I think there was an exhibit,
24 Special Agent Smitherman, with two in Colorado and nine in
25 California. Do you recall that?

1 A. Yes.

2 Q. So we have got 11 of those listed. So 12, 13, 14, 15,
3 16, 17, 18 different potential targets. Right?

4 A. Yes.

5 Q. Did he act on any of those?

6 A. No.

7 Q. Mr. Haag, Special Agent, showed you, I believe, what is
8 in Government's No. 288, which is the Shahzad case, showed you
9 a picture of the vehicle in the Shahzad case. Right?

10 A. Yes.

11 Q. And that may remind the jury as that part of that
12 exhibit. Certainly in the Shahzad case, Mr. Shahzad had
13 identified a target. Right?

14 A. Yes.

15 MR. HAAG: Your Honor, I am going to make an
16 objection as to relevance.

17 MR. COGDELL: It is -- They made it relevant by
18 including it in their evidence on direct with Ms. Smitherman.

19 THE COURT: I will permit it to go for a while
20 longer.

21 Q. (BY MR. COGDELL) In the Shahzad case, Special Agent
22 Smitherman, there was a bomb constructed. Right?

23 A. Yes.

24 Q. In fact, in the Government's only exhibit is a picture of
25 the bomb in the Shahzad case that was constructed. Right?

1 A. Yes.

2 Q. And the vehicle was driven to Times Square. Right?

3 A. That is right.

4 Q. A detonator had been installed. Right?

5 A. Yes.

6 Q. And there was an attempt to detonate that bomb in Times
7 Square. Right?

8 A. Yes.

9 Q. Now, you would agree with me, Special Agent Smitherman,
10 that that is an attempted weapon to use mass destruction case.
11 Right?

12 A. Yes.

13 Q. You were part of the arrest team of Mr. Aldawsari, were
14 you not?

15 A. Yes.

16 Q. I mean, I think you were--correct me if I am wrong,
17 Special Agent--one of the very first people to interview
18 Mr. Aldawsari. Is that right?

19 A. That is correct.

20 Q. And you asked him a number of questions, did you not?

21 A. Yes.

22 Q. And one of those questions was had he ever assembled a
23 bomb. Right?

24 A. Yes.

25 Q. He told you no, he had not. Correct?

1 A. Yes.

2 Q. And as far as you know, that was true. He had never
3 assembled a bomb. Right?

4 A. That is right.

5 Q. You also asked him, Special Agent, if he had ever
6 practiced. Right? Words to that effect?

7 A. I am sorry. I don't recall.

8 Q. Okay. Let me pull back and we will get back into that.
9 In terms of the surveillance --

10 MR. COGDELL: And Judge, I have cleared these with
11 Mr. Haag in terms of my list I am going to display with the
12 jury.

13 THE COURT: Okay.

14 Q. (BY MR. COGDELL) In terms of the surveillance, I am
15 calling it covert surveillance, Special Agent Smitherman, but
16 you are following -- Let me move this out of my way.

17 MR. COGDELL: If I may, Your Honor?

18 THE COURT: That would be good.

19 Q. (BY MR. COGDELL) You would agree with me, Special Agent,
20 that Mr. Aldawsari was being monitored pretty much 24/7 by the
21 FBI. Right?

22 A. Yes.

23 Q. There were cameras in his apartment. Right?

24 A. That is right.

25 Q. There were also microphones in his apartment that you all

1 could overhear what he was -- conversations and the like.

2 Right?

3 A. Correct.

4 Q. There was a virtual computer monitoring. That is, you or
5 FBI agents were able to observe realtime what Mr. Aldawsari
6 was doing on his computer.

7 A. Yes.

8 Q. And I think it told us that first it went to Quantico and
9 then it went to Dallas. Right?

10 A. Yes.

11 Q. Or field offices.

12 A. Yes.

13 Q. Can you -- And again I don't want to violate any --

14 THE COURT: Well, just ask your question.

15 Q. (BY MR. COGDELL) There were quite a number of agents
16 that were able to access realtime what Mr. Aldawsari was
17 doing. Right? Without getting into how many agents and where
18 they were, several agents, many agents were watching every
19 move he made. Right?

20 A. Yes.

21 Q. And I think you told us there was realtime remote viewing
22 in Dallas.

23 A. Yes.

24 Q. And lastly, in addition to all of that, there was
25 traditional physical surveillance of Mr. Aldawsari at the same

1 time all the rest of this is going on.

2 A. Yes.

3 Q. As far as you are aware, Mr. Aldawsari never acquired the
4 phenol. Right?

5 A. That is right.

6 Q. Never acquired the blasting caps. Right?

7 A. That is right.

8 Q. Never assembled a weapon of mass destruction. Right?

9 A. That is right.

10 Q. Never attempted to assemble a weapon of mass destruction.
11 Right?

12 A. I would disagree with that.

13 Q. Okay. Did he test it?

14 A. No.

15 Q. Did he finally arrive and settle upon a target?

16 A. Not that I could tell from the evidence.

17 Q. Okay. Did he select a specific date for it?

18 A. Not that I could tell from the evidence.

19 Q. To be fulsome, you are fairly aware of what the scope or
20 the entirety of the evidence is. Right?

21 A. Yes.

22 Q. Who knows more about the evidence than you?

23 A. I was referring to the fact that he could have in his
24 mind come up with a date or a specific target that he didn't
25 write down in his journal.

1 Q. Okay.

2 A. But I don't know that for sure.

3 Q. Fair enough. But as far as the evidence exists, insofar
4 as your rather comprehensive understanding of it, no date had
5 been selected. Right?

6 A. That is right.

7 Q. No location had been selected. Right?

8 A. That is right.

9 MR. COGDELL: May I have just a minute, Your Honor?

10 THE COURT: You may.

11 Q. (BY MR. COGDELL) Mr. Doyle reminds me, you are aware,
12 are you not, that in addition to the domestic targets we have
13 discussed, there was also evidence that indicated
14 Mr. Aldawsari was considering doing something against his own
15 government, the Saudi government. Right? The Saudi king?

16 A. I am not aware of the details of that.

17 Q. Just generally, though, there was some suggestion that
18 they were a potential target.

19 A. Yes.

20 MR. COGDELL: That is all I have. Thank you.

21 THE COURT: Redirect?

22 MR. HAAG: Thank you, Your Honor.

23 REDIRECT EXAMINATION

24 By Mr. Haag:

25 Q. Mr. Cogdell talked to you a little bit about targets.

1 Were all targets listed on the email?

2 A. That he considered?

3 Q. Yes.

4 A. No. Not -- No.

5 Q. Did Mr. Aldawsari list other targets in his journals?

6 A. Yes.

7 Q. And we have not got to those yet. Correct?

8 A. No.

9 MR. HAAG: Let's go ahead and pull up Government's
10 Exhibit No. 228, page 5, please. All right. If we could
11 please blow that picture up.

12 Q. (BY MR. HAAG) Mr. Cogdell talked to you a little bit
13 about the Faisal Shahzad case. In that case did law
14 enforcement know what Mr. Shahzad was going to do?

15 A. No.

16 Q. Did it know that he intended to detonate a car bomb in
17 Times Square?

18 A. No.

19 Q. Did it have any clue he intended to do so?

20 A. No, not until the day it happened.

21 MR. HAAG: No further questions, Your Honor.

22 THE COURT: Thank you. You may step down.

23 MR. COGDELL: Judge, may I have just one?

24 THE COURT: I doubt it, but you can try.

25

1 RE CROSS EXAMINATION

2 By Mr. Cogdell:

3 Q. But in this case you did know what he was doing.

4 THE COURT: That is argumentative. Stop. The jury
5 is instructed to disregard.

6 MR. COGDELL: You are right. I didn't get it.

7 THE COURT: Thank you, ma'am. The witness is free
8 to go.

9 MR. HAAG: Thank you, Your Honor.

10 THE COURT: Next witness?

11 MS. WILLIAMS: The United States calls Amy Reese.

12 (Whereupon, the oath was administered by the Clerk.)

13 AMY REESE,

14 Testified on direct examination by Ms. Williams as follows:

15 Q. Please state your name.

16 A. Amy Reese.

17 Q. How are you employed?

18 A. With the FBI.

19 Q. How long have you been with FBI?

20 A. Thirteen years.

21 Q. Do you have a specific or specified position with the
22 FBI?

23 A. Yes, I do.

24 Q. What is that?

25 A. Forensic accountant.

1 Q. And what does a forensic accountant for the FBI do?

2 A. Assist with investigations, specifically with the
3 financial aspect of them.

4 Q. Do you have specialized training for that position that
5 you hold?

6 A. Yes, I do.

7 Q. Would you please briefly describe that training.

8 A. I have an accounting degree and I have various types of
9 training from the Bureau and from non-Bureau sources.

10 Q. When you start to do a financial analysis in a particular
11 case, how do you obtain the information in order to conduct
12 that analysis?

13 A. Generally through grand jury subpoenas or administrative
14 subpoenas.

15 Q. Now, in this case did you conduct a financial
16 investigation?

17 A. Yes, I did.

18 Q. Did you coordinate the issuance of various subpoenas in
19 order to analyze or to make that analysis?

20 A. Yes, I did.

21 Q. I would like to refer your attention to what has been
22 marked for identification as Government's Exhibit No. 144,
23 159, 160, and 162. Before testifying today did you review
24 those exhibits?

25 A. Yes, I did.

1 Q. Were each of these exhibits received by you and
2 accompanied by a business records certificate from the entity
3 that provided the records?

4 A. Yes.

5 MS. WILLIAMS: At this time, Your Honor, I would
6 tender Government's Exhibit No. 144, 159, 160, 161, and 162.

7 MR. DOYLE: No objection, Your Honor.

8 THE COURT: Without objection No. 144, 159 and 160
9 through 162 are received.

10 Q. (BY MS. WILLIAMS) Please tell us what Government's
11 Exhibit No. 144 is.

12 A. No. 144 is AT&T records that describe subscriber and toll
13 records.

14 MS. WILLIAMS: If you would please pull up page 1 of
15 Exhibit No. 144.

16 Q. (BY MS. WILLIAMS) The first page of this exhibit, what
17 does it tell us?

18 A. The first page shows subscriber information.

19 Q. And the subscriber -- The person that is subscribing to
20 this AT&T service is who?

21 A. Khalid Aldawsari.

22 Q. Would you please state the address that was given?

23 A. 3114 4th Street, apartment 306, Lubbock, Texas, 79415.

24 Q. The date the service began?

25 A. July 1st of 2010.

1 Q. And email associated with this account?

2 A. Yes, ma'am. k.aldawsari@gmail.com.

3 Q. Now, before testifying today, were you aware of the phone
4 numbers for both Con-Way Freight in Lubbock and Carolina
5 Biological Supply Company in North Carolina?

6 A. Yes.

7 Q. Were you able to find phone calls within Mr. Aldawsari's
8 phone records that go to both Con-Way Freight and Carolina
9 Biological?

10 A. Yes, I did.

11 Q. Would you please tell us where you find those phone
12 calls, the dates, please?

13 A. Yes, ma'am. I found two calls on December the 18th of
14 2010 and two calls on December the 20th of 2010 to Con-Way,
15 and then one call on February the 1st of 2011 to Con-Way.

16 Q. Okay. And what about to Carolina Biological Supply?

17 A. The Carolina Biological calls began on February the 1st
18 of 2011 and continued throughout the month of February.

19 Q. There were a number of those?

20 A. There was a number of those, yes.

21 Q. Now, regarding Government's Exhibits No. 159, 160, and
22 161, what are those records?

23 A. They are Bank of America records that reflect activity
24 that are owned by the Bank of America records that are of
25 accounts owned by Khalid Ali-M Aldawsari.

1 Q. Are they three different accounts?

2 A. There is one account ending in 8807, one account ending
3 in 6982, and yes, one account ending in 6414; so yes, three.

4 Q. Government's Exhibit No. 162, what is that?

5 A. No. 162 is subscriber information from amazon.com.

6 Q. Now, between the three accounts from Bank of America and
7 the Amazon records, about how many pages of documents are
8 included in those four exhibits?

9 A. About 200.

10 Q. Okay. I want to refer your attention to what has been
11 marked for identification as Government's Exhibits No. 163 and
12 164.

13 A. Yes, ma'am.

14 Q. Did you prepare those documents and exhibits?

15 A. Yes, I did.

16 Q. Do Government's Exhibits No. 163 and 164 fairly and
17 accurately summarize the information that is contained in
18 Government's Exhibits No. 159 through 162?

19 A. Yes.

20 Q. Would these summaries assist the jury in understanding
21 the voluminous records that are the bank records and the
22 Amazon records?

23 A. Yes, they would.

24 MS. WILLIAMS: Your Honor, at this time I would
25 tender Government's Exhibit No. 163 and 164 into evidence.

1 MR. DOYLE: If I could have just a brief sidebar.

2 No objection, Your Honor.

3 THE COURT: Without objection No. 163 and 164 are
4 received.

5 Q. (BY MS. WILLIAMS) Let's first talk about Government's
6 Exhibit No. 163. What is this document that you prepared?

7 A. This first page is an income summary for the Bank of
8 America account previously referred to ending in account
9 number 8807 for the period from September 23rd, 2008 to
10 February 24th, 2011. It indicates that total income for the
11 account was \$92,449.03, broken out between two
12 ways--\$68,612.80 came from SABIC. The remaining amount of
13 \$23,836.23 came from other sources such as transfers or other
14 wire transfers.

15 Q. Transfers from other accounts perhaps?

16 A. Yes.

17 Q. Transfers perhaps from other individuals?

18 A. Yes.

19 MS. WILLIAMS: Would you pull up No. 163, page 1?

20 Q. (BY MS. WILLIAMS) And are these the figures you were
21 referring to?

22 A. Yes, ma'am.

23 Q. The account balance as of February 24th, 2011 was what?

24 A. \$2,721.26.

25 Q. Among the bank records and the Amazon records, were you

1 able to correlate purchases or debits to Mr. Aldawsari's bank
2 accounts and were you able to correlate those with Amazon
3 records?

4 A. Yes, I was.

5 Q. Regarding the Cole-Parmer issue, were you aware that
6 there was an order made to Cole-Parmer but that that never was
7 entered into his bank account?

8 A. That is correct.

9 Q. Were you also able to discern that there were credits to
10 Mr. Aldawsari's bank account--for example, the Carolina
11 Biological Supply order?

12 A. That is correct.

13 Q. Also in this exhibit, do you have documents that show
14 chemical purchases and equipment purchases that you were able
15 to discern from the bank records and the Amazon records?

16 A. Yes, I did.

17 Q. Now, regarding Government's Exhibit No. 164, what is this
18 document?

19 A. This document is the exact replication of the activity in
20 the Bank of America account ending in 8807 for the period from
21 February 1st, 2011 to February 24th, 2011.

22 Q. Does it show all of the transactions for that month?

23 A. Yes, it does.

24 Q. Including the Carolina Biological debit and credit?

25 A. Yes, it does.

1 Q. On a monthly basis -- Let me ask you this. In going
2 through all the bank records, the deposits that he had from
3 SABIC, were they the same amount each month?

4 A. Yes.

5 Q. And about how much per month was he receiving from SABIC?

6 A. \$2100.

7 MS. WILLIAMS: I will pass the witness.

8 THE COURT: Mr. Doyle?

9 MR. DOYLE: Thank you, Your Honor.

10 CROSS EXAMINATION

11 By Mr. Doyle:

12 Q. When you look -- Do you feel comfortable that you had all
13 bank accounts from the time Mr. Aldawsari was in the United
14 States to the time he was arrested associated with him
15 personally? Correct?

16 A. Yes.

17 Q. And you would agree that when you look at the bank
18 records you can pretty much tell what his pattern of behavior
19 is to a certain degree?

20 A. Yes.

21 Q. For example, he liked to eat at Raising Cane. He liked
22 to go to Starbucks.

23 A. Yes.

24 Q. That is in there. Right? He liked Which Wich. He went
25 there quite a bit. Right?

1 A. Yes.

2 Q. And it appears, and based on your expertise--you can tell
3 me if I am right or wrong--he pretty much used his debit card
4 for all of his purchases.

5 A. That is correct.

6 Q. And based on your investigation, you don't have any
7 reason to believe that he had any outside cash. There is no
8 evidence of that.

9 A. I only reviewed the records that reflect that -- that
10 reflected what I summarized.

11 Q. Certainly if you are going to summarize his income and
12 the Government found a big stash of cash somewhere in his
13 house, that would have been provided to you so you can get the
14 right figure.

15 A. Yes.

16 Q. You say the money, this other money, which is \$23,000,
17 that is a wire from another account that goes to his bank
18 account. Correct?

19 A. Yes.

20 Q. And the account that sends that money, you have access to
21 the account number.

22 A. Yes, sir.

23 Q. And certainly you all would research who those people
24 are.

25 A. Yes, sir.

1 Q. And is it fair to say that he did get some money from his
2 family?

3 A. I am not sure who it was that he received the money from.

4 Q. Okay. You are not insinuating to this jury, are you,
5 that he got any money from any outside sources related to
6 terrorism, are you?

7 A. That is correct.

8 Q. Okay. In terms of -- And if you look at his accounts on
9 a monthly basis, it is \$2100, and he sorts of eats it up
10 towards the end of each month and then gets repaid. Right?

11 A. Yes.

12 Q. To the number the jury sees, the \$92,000 is over a
13 four-year period.

14 A. Yes, it is.

15 Q. Okay. Anything abnormal, other than the purchases you
16 discuss about where he ate or how he spends money?

17 A. No, sir.

18 Q. And when he went on trips, he used his debit card.
19 Correct?

20 A. Correct.

21 Q. So you could tell if he went somewhere because he was
22 using his card that comes back in his name.

23 A. Yes.

24 Q. Correct? And going to the phone records, you subpoenaed
25 the one phone that you know to be activated on behalf of

1 Mr. Aldawsari. Correct?

2 A. Yes.

3 Q. Certainly if there was other phones that were activated,
4 you would have access to that and you would subpoena those
5 records.

6 A. Yes.

7 Q. But as far as you know, there was only one phone that
8 worked in Mr. Aldawsari's possession?

9 A. Yes.

10 Q. And the phone numbers contained in the stack of
11 documents, without belaboring it, did you provide those
12 numbers to an expert in phone analysis so they can figure out
13 who exactly Mr. Aldawsari was talking to?

14 A. I provided them -- I reviewed them myself.

15 Q. And was there anybody in that list of calls that caused
16 the FBI any concern?

17 A. Not that I know of.

18 Q. There were a number of calls of Mr. Aldawsari attempting
19 to purchase things from Carolina Biological Supply.

20 A. Yes, sir.

21 Q. And Cole-Parmer. Correct?

22 A. Correct.

23 Q. And just so the jury is clear on that, both of those
24 purchases were credited back because he was unsuccessful in
25 attempting to obtain the chemical he was trying to purchase.

1 Correct?

2 A. Yes. The Cole-Parmer never did actually hit his account.

3 Q. Okay. They didn't even bother debiting it at first.

4 Correct?

5 A. Yes.

6 Q. Okay.

7 MR. DOYLE: No further questions, Your Honor.

8 THE COURT: Ms. Williams, anything.

9 MS. WILLIAMS: Nothing further, Your Honor.

10 THE COURT: The witness is excused?

11 MS. WILLIAMS: Yes, Your Honor.

12 THE COURT: Thank you, ma'am.

13 Call your next witness.

14 MR. HAAG: Thank you, Your Honor. The United States
15 calls Special Agent Michael Orndorff.

16 (Whereupon, the oath was administered by the Clerk.)

17 MICHAEL ORNDORFF,

18 Testified on direct examination by Mr. Haag as follows:

19 Q. Good afternoon, Special Agent Orndorff.

20 A. Good afternoon.

21 Q. Please state your name.

22 A. Michael Orndorff.

23 Q. If you would, go ahead and move that microphone a little
24 bit closer and please keep your voice up.

25 How are you employed?

1 A. I am a special agent with the FBI.

2 Q. How long have you been a Special Agent with the FBI?

3 A. Over 16 years.

4 Q. Which office do you serve in?

5 A. The Lubbock resident agency out of the Dallas field
6 office.

7 Q. Where do you spend all of your time?

8 A. In Lubbock.

9 Q. Prior to serving with the FBI, did you have any prior law
10 enforcement service?

11 A. Yes. I was a police officer for the City of Lubbock for
12 three years.

13 Q. And prior to serving with the Lubbock Police Department
14 did you serve in the Military?

15 A. I did.

16 Q. What branch did you serve in?

17 A. The United States Navy.

18 Q. Did you conduct the investigations for the United States
19 Navy?

20 A. I did.

21 Q. Throughout the course of your career, approximately how
22 many investigations have you participated in?

23 A. Several hundred.

24 Q. Have you received specialized training in
25 counterterrorism investigations?

1 A. Yes, I have.

2 Q. Would you please describe that training for the jury?

3 A. Basic classroom training where I have gone to a school
4 for it, as well as web-based training where you take lessons
5 online.

6 Q. Are you responsible for the counterterrorism
7 investigations conducted by the Lubbock FBI office?

8 A. I do the majority of them.

9 Q. Are you familiar with the investigation in this case?

10 A. Yes, I am.

11 Q. What was your role in the investigation?

12 A. I was a case agent.

13 Q. Would you please briefly describe for the jury the duties
14 and responsibilities of the case agent?

15 A. The case agent is responsible for getting the initial
16 complaint or lead, taking a look at that, arranging to run
17 database checks, issuing -- getting subpoenas issued, working
18 with the financial analyst or other analysts that we have and
19 getting subpoenas issued, or national security letters in
20 certain cases, arranging for search warrants, you know,
21 looking through all the data that you gather through all your
22 methods of investigation, and then going to the United States
23 Attorney's Office and working with them in the prosecution
24 phase of the case.

25 Q. Were any other law enforcement officers assisting you in

1 this case?

2 A. Yes, there were.

3 Q. Approximately how many?

4 A. In Lubbock proper, there was -- at different times there
5 was probably close to a hundred people at various times
6 throughout the investigation.

7 Q. Let's go ahead and turn to February of 2011. Would you
8 please describe for the jury how this case began?

9 A. Yes, sir. I was -- I received a communication from my
10 supervisor that a company in North Carolina, Carolina
11 Biological, had contacted the FBI Charlotte Division and
12 notified them about a suspicious purchase by a person in
13 Lubbock, Texas, and that person was Khalid Aldawsari.
14 Approximately a half hour later I received a phone call from
15 the Lubbock Police Department who also notified me about the
16 suspicious purchase.

17 Q. Did you begin an investigation after that?

18 A. I did.

19 Q. Who did you begin an investigation of?

20 A. Mr. Aldawsari.

21 Q. Do you see Mr. Aldawsari present in the courtroom today?

22 A. I do.

23 Q. Would you please point him out for the jury?

24 A. He is the last individual on that table.

25 MR. HAAG: Your Honor, may the record reflect that

1 the witness has identified the Defendant?

2 THE COURT: It will so reflect.

3 Q. (BY MR. HAAG) Once you received the initial reports,
4 what did you do next?

5 A. We ran -- I had database checks run on him to find out
6 who he was, found out he was a foreign national, found out why
7 he was in the country--he was supposed to be going to
8 school--what school was he going to, and then what was he
9 doing. I had the report that he was ordering phenol, so we
10 were trying to figure out why he needed phenol.

11 Q. And we are talking about the very initial stages of the
12 investigation. Initially and during the early part of the
13 investigation, did Mr. Aldawsari associate with anyone?

14 A. Yes. He associated with a Mr. Alzahrani.

15 Q. Did he associate with other people in the Lubbock area?

16 A. Not much, no.

17 Q. Did Mr. Aldawsari associate with any other persons from a
18 foreign country that were living in the Lubbock area?

19 A. We learned that he had, but we didn't observe him doing
20 that, no.

21 Q. Did any other students from a foreign country reside in
22 Mr. Aldawsari's apartment complex?

23 A. Yes, they did.

24 Q. Did you take any steps to determine whether anyone might
25 be assisting Mr. Aldawsari?

1 A. Yes, we were trying to find that out.

2 Q. Did you likewise take steps to determine whether any
3 foreign terrorist organization was involved?

4 A. Yes.

5 Q. And when you reached conclusions on that point, was it
6 the early portion of the investigation or at the end?

7 A. At the end.

8 Q. Now, we have either heard or will hear about different
9 portions of the investigation that you led. Let's go ahead
10 and talk about your involvement specifically.

11 Shortly after you began looking and doing the background
12 information, did you formulate a plan to take a look inside
13 Mr. Aldawsari's apartment?

14 A. Yes.

15 Q. What was your plan?

16 A. The plan was to pose as a maintenance man with the
17 property owner of the apartment complex there and to have
18 Mr. Aldawsari let us in that we might be able to see what was
19 in his apartment.

20 Q. Okay. We have heard reports that the first phenol order
21 was February 1st, 2011. When did you plan to go into the
22 apartment?

23 A. That was February 4th.

24 Q. Would you please tell the jury what happened when you
25 went to the apartment?

1 A. When we initially went to the apartment, I was with
2 another -- with a real maintenance man, Mr. Rocha. He knocked
3 on the door. First we changed filters. We were changing air
4 conditioner filters which was in the hallway right as you
5 walked in the apartment. There was a hallway right to your
6 right that led to the bathroom, and so we were -- that is
7 where we had to go to change the air conditioning filter. You
8 could see the living room and kitchen area from there. But we
9 changed air conditioner filters in several units. And we went
10 to one door and knocked on it and then Mr. Rocha opened the
11 door and we went in and changed the air conditioner filter,
12 and there -- It was beside the bathroom and we sort of could
13 tell somebody was in the bathroom.

14 We exited the door, and at that time I noticed the room
15 number and I asked Mr. Rocha, is this -- Was this the room
16 number. And he said, "I don't know. They didn't tell me."

17 So --

18 MR. COGDELL: Excuse me. Objection; narrative. Can
19 we keep it in Q and A?

20 THE COURT: Okay.

21 THE WITNESS: We knocked on the door again.

22 MR. COGDELL: Can we have a question?

23 Q. (BY MR. HAAG) What happened next?

24 MR. COGDELL: Thanks.

25 THE WITNESS: Thank you. Sorry.

1 We knocked on the door again and this time Mr. Aldawsari
2 opened the door. We told him we needed to check the air
3 conditioner filter to make sure we installed it properly. He
4 let us have entry. I walked in. This time Mr. Rocha went up
5 and looked at the air conditioner filter while I stood in the
6 hallway until that was over.

7 Q. While you were inside Mr. Aldawsari's apartment, did you
8 observe anything unusual?

9 A. No.

10 Q. Which rooms of the apartment were you able to see from
11 your vantage point?

12 A. The kitchen and the living room area.

13 Q. Did you search either one of those areas?

14 A. No.

15 Q. Did you open any of the closed containers?

16 A. No.

17 Q. Did you move around to other areas of the apartment?

18 A. No.

19 Q. Let's talk about your next contact with Mr. Aldawsari.
20 Did you later talk to Mr. Aldawsari in an undercover capacity?

21 A. I did.

22 Q. How did you contact Mr. Aldawsari?

23 A. I called him -- I was posing as a salesman with Carolina
24 Biological Services.

25 Q. And did you call him? How did you contact him?

1 A. I called him.

2 Q. What date did you call him on?

3 A. On February the 8th, 2011.

4 Q. What information were you hoping to elicit from
5 Mr. Aldawsari during the phone call on February 8th?

6 A. What I was hoping to elicit was what he was doing with
7 the phenol or why he wanted the phenol in the first place, if
8 he was working with anybody else, and where it was going to be
9 used at, where it was going to be stored at.

10 Q. How long did you speak with Mr. Aldawsari during this
11 conversation?

12 A. Approximately 20 minutes.

13 Q. So when he references during the other phone calls that
14 he was talking to someone for 20 minutes, would that have been
15 you?

16 A. That would have been me.

17 Q. Did you record the telephone conversation?

18 A. Yes.

19 Q. How did you record it?

20 A. Recorded through an FBI system we have for recording
21 phone calls.

22 Q. Are you familiar with that system?

23 A. I am.

24 Q. Is that system reliable?

25 A. It is.

1 Q. Did you test the system before your conversation with
2 Mr. Aldawsari?

3 A. I did.

4 Q. Are you familiar with Mr. Aldawsari's voice?

5 A. I am.

6 Q. How did you become familiar with his voice?

7 A. I became familiar with his voice through his various
8 phone calls he has made while he has been in jail, through
9 listening to him in overhead microphone conversations that we
10 have picked up in his living room and kitchen, and then
11 talking to him on the phone and listening to the Carolina
12 Biological calls.

13 Q. During your conversation with Mr. Aldawsari, did he
14 identify himself?

15 A. He did.

16 Q. I Show you what has been marked as Government's Exhibit
17 No. 11 and 12. What are these exhibits?

18 A. Exhibit No. 11 is a CD which contains my conversation
19 with Mr. Aldawsari, and Exhibit No. 12 is a transcript of that
20 conversation.

21 Q. And are these an accurate recording and transcript of
22 your conversation with Mr. Aldawsari on February 8th?

23 A. They are.

24 MR. HAAG: Your Honor, at this time move to admit
25 Government's Exhibit No. 11 and 12.

1 MR. COGDELL: No objection.

2 THE COURT: Without objection No. 11 and 12 are
3 received.

4 Q. (BY MR. HAAG) And we won't play that conversation, but
5 let's talk about some of the things that came up during the
6 conversation.

7 During your conversation with Mr. Aldawsari, did he tell
8 you why he wanted the phenol?

9 A. Yes, sir. He said he needed the phenol, he was
10 conducting research into cleaning supplies and he was trying
11 to reduce the odor of the cleaning chemicals because those
12 odors made people sick.

13 Q. Did he tell you what his goal was in doing that?

14 A. His end goal was so that he could get into a larger
15 university; that this research would help get him into a
16 larger university.

17 Q. Did Mr. Aldawsari tell you whether he was affiliated with
18 any educational institutions to do this research?

19 A. Yes, he did.

20 Q. What did he tell you?

21 A. He told me he was affiliated with Texas Tech University;
22 that he had their permission to use their laboratories.

23 Q. Did Mr. Aldawsari put any sort of conditions upon the
24 permission that he had from Texas Tech to use their
25 facilities?

1 A. He said that there was a constraint on the amount of time
2 he would -- that he had to use their facilities.

3 Q. And because of that, did he make any representations to
4 you about how he wanted the phenol?

5 A. Yes. He needed the phenol quickly, because of those time
6 constraints.

7 Q. Did Mr. Aldawsari tell you whether he had gotten a
8 degree?

9 A. Yes. He said he had a Bachelor's degree.

10 Q. From what university?

11 A. He didn't say what university.

12 Q. Did you ask him whether he needed any other chemicals
13 from Carolina Biological?

14 A. Yes, I did.

15 Q. How did he respond?

16 A. He responded that he already had the other supplies that
17 he needed and any other supplies that he needed he could
18 obtain from Texas Tech University, as they had them in large
19 supply there.

20 Q. Did you ask Mr. Aldawsari about whether he knew phenol
21 was dangerous?

22 A. Yes, I did.

23 Q. How did he respond?

24 A. He responded that he knew it was poisonous and dangerous,
25 I believe were the words.

1 Q. Let's move forward about a week from your conversation
2 with Mr. Aldawsari. Did you later make a covert entry into
3 Mr. Aldawsari's apartment?

4 A. Yes, I did.

5 Q. Was that covert entry authorized by a court order?

6 A. Yes it was.

7 Q. When did you go into Mr. Aldawsari's apartment?

8 A. On February 14th, 2011.

9 Q. Did you plan the timing of that covert entry?

10 A. Yes.

11 Q. What was the game plan for the covert entry?

12 A. The game plan for the covert entry was Mr. Aldawsari was
13 scheduled to take an exam and he was scheduled to take it at
14 the Reese campus of South Plains College, which is
15 approximately 15 miles away from his residence. So our plan
16 was when he left to go take his test, to go take the exam,
17 that we would do the covert entry.

18 Q. Did something happen on February 14th, 2011 that made you
19 change that plan?

20 A. Yes.

21 Q. What happened?

22 A. He didn't go as scheduled.

23 Q. What, if any, changes did that cause to your plan?

24 A. That threw our plan off. Instead of having a known where
25 we would have a longer period of time when he left the exam,

1 we would have known he had 15 miles to go and so we would have
2 been able to get out of the apartment quicker, we just didn't
3 know -- we had an unknown schedule now. We couldn't
4 plan -- We had to plan on the fly.

5 Q. Did Mr. Aldawsari end up leaving on the 14th?

6 A. He did.

7 Q. And after he left his apartment, where did he go to?

8 A. He went to take his -- He left twice. The first time he
9 ran and got -- just ran across the street, I believe, and got
10 a bite to eat and came back, and then he left again to go to
11 another campus.

12 Q. What campus did he go to the second time he left his
13 apartment?

14 A. The Byron Martin campus, which is located at 34th and
15 Avenue Q, which is approximately two miles away from his
16 apartment.

17 Q. Did you make covert entry once he left to go to the Byron
18 Martin center?

19 A. Yes.

20 Q. Because of the change in the plan, did you alter your
21 plan as far as how long you were going to remain in the
22 apartment?

23 A. Yes.

24 Q. What did you see in Mr. Aldawsari's apartment on February
25 14th, 2011 when you went in?

1 A. He had various books, journals, he had -- In his bedroom
2 there were numerous boxes located in there, and in his closet,
3 the boxes which contained the nitric acid and lab equipment,
4 and in the closet was a box with sulfuric acid. He had
5 numerous writings, and then he had normal things you would
6 have in an apartment.

7 Q. Did he have any disassembled clocks?

8 A. Yes, he did.

9 Q. Did he have any Christmas tree lights?

10 A. Yes, he did.

11 Q. Did you notice a Lacie thumb drive and Kingston SD card?

12 A. Yes. They were in a book which was on his bookshelf in
13 his living room. Once the book was opened, the Lacie thumb
14 drive and the Kingston SD card were inside the book.

15 Q. Did you take photographs of any of the journals that you
16 saw inside the apartment?

17 A. Yes, we did.

18 Q. And what did you do with those photographs after you took
19 them and went back to your office?

20 A. We sent them to translators to get translated.

21 Q. Let's go ahead and talk about the video surveillance in
22 this case. Were there any video recording devices that were
23 used in this case?

24 A. Yes, there were.

25 Q. Were those video recording devices installed after

1 obtaining a court order to do so?

2 A. Yes.

3 Q. In what apartment were the video recording devices
4 installed?

5 A. Mr. Aldawsari's apartment--2303.

6 Q. When were the video recording devices installed?

7 A. They were installed on February the 19th of 2011.

8 Q. Approximately how many days before Mr. Aldawsari's arrest
9 would that have been?

10 A. Four.

11 Q. In what rooms were the video recording devices installed?

12 A. In the living room and in the bedroom.

13 Q. Was a video recording device installed outside
14 Mr. Aldawsari's apartment?

15 A. Yes, there was one installed in the hallway.

16 Q. And you should have before you Government's Exhibit
17 No. 165 and 168. And those are going to be the physical
18 exhibits. Are these the hard drives with the footage from the
19 video surveillance recordings? Those are going to be located
20 down below.

21 MR. HAAG: Your Honor, I apologize. May I approach?

22 THE COURT: Yes.

23 MR. HAAG: I need to give them to the witness.

24 THE WITNESS: Yes, sir.

25 MR. HAAG: Your Honor, at this time move to admit

1 Government's Exhibit No. 165 and 168.

2 MR. COGDELL: Those are the surveillance?

3 MR. HAAG: Yes, sir.

4 THE COURT: No objection, Your Honor. To be clear,
5 no objections, other than the ones that have been previously
6 raised in a different proceeding.

7 THE COURT: No. 165 and 168 are received.

8 Q. (BY MR. HAAG) Did the video recording device ever
9 malfunction?

10 A. Yes.

11 Q. And could the video surveillance equipment, could it ever
12 record Mr. Aldawsari's actions outside the living room and the
13 bedroom where it was installed?

14 A. No.

15 Q. Did the agents see anyone other than Aldawsari enter or
16 leave apartment 2303 during the time of the video
17 surveillance?

18 A. No.

19 Q. Let's go ahead talk about the physical surveillance as
20 well. Are you familiar with the physical surveillance in this
21 case?

22 A. Yes.

23 Q. And would you briefly describe for the jury, when we say
24 physical surveillance what does that mean?

25 A. Physical surveillance is basically eyes on, not machine,

1 not electronic surveillance, but somebody actually has
2 eyeballs on the individual or knows where they are at.

3 Q. When did the physical surveillance of Mr. Aldawsari begin
4 in this case?

5 A. I would say physical surveillance started on February
6 3rd, approximately February 3rd.

7 Q. On February the 9th, did the surveillance pick up?

8 A. Yes.

9 Q. And where did it move to on February the 9th?

10 A. It moved to 24/7 at that point.

11 Q. Once the surveillance went to 24/7, what teams conducted
12 that surveillance?

13 A. We had three teams conducting surveillance on
14 Mr. Aldawsari--one from Indianapolis, one from San Francisco,
15 and one from Dallas.

16 Q. And did those teams rotate in shifts covering
17 Mr. Aldawsari around the clock?

18 A. Yes.

19 Q. Did physical surveillance teams ever lose contact with
20 Mr. Aldawsari?

21 A. Yes.

22 Q. Did Mr. Aldawsari ever do anything that led the physical
23 surveillance team to believe that he might know that they are
24 following him?

25 A. No.

1 Q. Let's move forward and talk about Mr. Aldawsari's arrest.

2 When did the FBI arrest Mr. Aldawsari in this case?

3 A. On February 23rd, 2011.

4 Q. And why did you arrest him on that day?

5 A. That was the date that was given me by superiors.

6 Q. When you arrested him on the 23rd, did you have any
7 concerns about the dangers Mr. Aldawsari might pose?

8 A. Yes.

9 Q. What are some of those concerns that you had?

10 A. The day before, Mr. Aldawsari had been out to Levelland
11 and visited his friend out there, Alzahrani, Mr. Alzahrani,
12 and he had picked up several items from Mr. Alzahrani's
13 residence including what was later identified as a
14 refrigerator, like a dorm fridge, a black dorm fridge, which
15 he loaded in his vehicle along with some other items.

16 When he returned to his apartment that night/morning, he
17 unloaded those things into his apartment. We didn't have any
18 idea what was in that refrigerator or what was in the other
19 items that he took out of there.

20 And I got off going off on that. Could you ask the
21 question again?

22 Q. Certainly.

23 MR. HAAG: And if we could, pull up Government's
24 Exhibit No. 68, which has been admitted into evidence. We
25 will point this out.

1 Q. (BY MR. HAAG) I have a laser pointer here on a box
2 object in the center of Mr. Aldawsari's bedroom. When you
3 went into a covert entry on February 14th was this inside the
4 apartment?

5 A. No, it wasn't.

6 Q. Was it there when he was arrested and the search was done
7 on the 23rd of February?

8 A. Yes, it was.

9 Q. Is this the item you were discussing that you believe was
10 from Mr. Aldawsari?

11 A. Yes.

12 Q. What were some of the other concerns that led you to
13 arrest Mr. Aldawsari on February 23rd?

14 A. We didn't have complete coverage of Mr. Aldawsari.
15 Mr. Aldawsari was a speeder. He got several speeding tickets,
16 but on one -- Once when we were following him on 19th Street
17 he was going 90 miles an hour. He got pulled over by DPS and
18 got a ticket, but he would frequently speed off like that and
19 we would lose him -- We have public safety about speeding that
20 fast, too, so he would be lost and we would find him again.

21 If Mr. Aldawsari -- We had the exits into the hallway
22 covered, but if Mr. Aldawsari had exited his room and gone to
23 any other apartment in the complex, we wouldn't have known
24 what apartment he went in. We didn't have that kind of 24/7
25 surveillance on him.

1 Also, we had the bedroom covered and we had the living
2 room covered, but we couldn't see things in his kitchen or in
3 the bathroom and that hallway area. We couldn't see
4 everything.

5 Q. Were you aware at this point in time that he had the
6 email with the recipe for picric acid from aspirin?

7 A. Yes.

8 Q. Were you also aware of the conversations that he had with
9 Carolina Biological where he told them he would obtain phenol
10 from other companies?

11 A. Yes.

12 Q. Did you have any concerns about the nitric acid and the
13 sulfuric acid that you knew was inside his apartment?

14 A. Yes, we did.

15 Q. What were your concerns about those chemicals?

16 A. Those chemicals, as we saw earlier with the warning
17 labels on them, if he had opened those up or used those, those
18 have -- can cause damage to eyes, lungs, those types of
19 things, of other residents within the apartment complex. We
20 were also concerned about fires or him doing something wrong
21 that he could blow himself up in there, you know, and with
22 other people in the apartment complex.

23 Q. Earlier you discussed that you were making attempts to
24 discover if anyone else was working with Mr. Aldawsari. At
25 the time of his arrest did you know with a certainty whether

1 anyone was assisting him in this plan?

2 A. No.

3 Q. When did you conclude that Mr. Aldawsari was acting alone
4 in this plan?

5 A. After we had arrested him, we had done the computer
6 forensic searches, had analyzed all the data we had, had
7 interviewed Mr. Alzahrani and also conducted forensic analysis
8 on his computers and machines and done a search of his
9 residence.

10 Q. Did you interview Mr. Aldawsari's associates from the
11 SABIC program and from his time At Vanderbilt?

12 A. Yes, we did.

13 Q. When did you do those interviews?

14 A. They were done that same day.

15 Q. The same day as what?

16 A. The same day as his arrest, the 23rd of February, 2011.

17 Q. Why didn't you interview Mr. Aldawsari's associates
18 before that date?

19 A. We didn't know if he was involved with somebody else.
20 That was the main reason we didn't want to tip our hand at
21 that time in the investigation.

22 Q. Were you one of the agents who arrested Mr. Aldawsari?

23 A. Yes, I was.

24 Q. You should have before you Government's Exhibit No. 294
25 through 297.

1 MR. HAAG: Your Honor, at this time I move to admit
2 Government Exhibit No. 294 as a business record. There is a
3 certification with that document.

4 MR. COGDELL: Can I have just a minute, Your Honor?
5 No objection other than the --

6 THE COURT: No. 294 is received.

7 MR. COGDELL: Thank you.

8 Q. (BY MR. HAAG) Let's go ahead and look at No. 295 through
9 297. What are these exhibits?

10 A. No. 295 is a picture of his backpack that he was carrying
11 at the time of the arrest and a picture of goggles which you
12 use in chemistry class which were inside his backpack.

13 Q. And have you examined all these exhibits prior to
14 testifying today?

15 A. Yes, I have.

16 Q. Are these exhibits in the same or substantially the same
17 condition as when they were seized on February 23rd?

18 A. Yes, they are.

19 MR. HAAG: Your Honor, at this time move to admit
20 Government's No. 295 through 297.

21 MR. COGDELL: No objection.

22 THE COURT: Without objection they are received.

23 Q. (BY MR. HAAG) prior to testifying today, have you also
24 examined Government's Exhibit No. 310?

25 A. Yes, sir.

1 Q. And what is -- Does this photograph fairly and accurately
2 depict the scene as it appeared on February the 8th, 2011?

3 A. This was February the 14th.

4 Q. I am sorry. February 14th, 2011.

5 A. Yes, it does.

6 MR. HAAG: At this time, Your Honor, move to admit
7 Government's Exhibit No. 310.

8 MR. COGDELL: No objection.

9 THE COURT: No. 310 is received.

10 Q. Let's go through the exhibits. Let's start with No. 295,
11 please.

12 A. Yes, sir.

13 Q. And if you would just briefly reiterate for the jury what
14 this physical exhibit is and how you obtained it.

15 A. We obtained it when we arrested Mr. Aldawsari. It is the
16 backpack he had his school books in and this pair of goggles
17 which are used in a chemistry class and were in the backpack
18 as well.

19 Q. Let's go to Government's No. 296. What is this exhibit?

20 A. This is the cell phone that Mr. Aldawsari had in his
21 possession when he was arrested.

22 Q. Finally, Government's No. 297.

23 A. This was his wallet and contents of his wallet that he
24 had in his possession when he was arrested.

25 Q. And is all the identification you found in the wallet in

1 Mr. Aldawsari's name?

2 A. Yes, it was.

3 Q. Let's move to Government's Exhibit No. 310. What is this
4 a photograph of?

5 A. This is a photograph of underneath his kitchen sink, and
6 those are dishwashing gloves that were laying there underneath
7 the kitchen sink.

8 Q. And when was this photograph taken?

9 A. This was February 14th, 2011.

10 Q. Let's talk about -- Continuing on the same day as

11 Mr. Aldawsari's arrest, we earlier heard testimony about
12 the evidence that was recovered from his apartment from his
13 vehicle. Who was the custodian for that evidence once it was
14 removed from the apartment and the vehicle?

15 A. Once it was removed from the apartment and the vehicle
16 and brought to me, then I became custodian of record.

17 Q. Where did you store the evidence at?

18 A. In the FBI Lubbock space.

19 Q. What about the digital evidence in the case? What did
20 you do with that?

21 A. That evidence was turned over to Mr. Morris and his
22 north -- his forensic lab.

23 Q. It is a very long title, isn't it?

24 A. That is right.

25 Q. Did you send any items of evidence to the FBI laboratory

1 in Quantico, Virginia?

2 A. Yes, we did.

3 Q. And in general, what were the items that you sent to the
4 FBI lab?

5 A. The lab in Virginia was the Explosives Unit. I was
6 sending them emails, I sent them emails, journal entries, and
7 the translations that went with them, sent them pictures of
8 the various pieces of equipment that he had on hand, as well
9 as actually sending him physically the Christmas tree lights,
10 shavings, bulbs, wire, soldering iron, and various other
11 physical pieces of evidence.

12 Q. On Friday Special Agent Covey noted that he had taken
13 some swabbings of that refrigerator that we just saw upon the
14 screen that was in Mr. Aldawsari's bedroom. What did you do
15 with those swabbings?

16 A. Nothing.

17 Q. Why didn't you do anything with the swabbings?

18 A. I contacted the lab and asked them what to do with the
19 swabbings. They notified me that if both the control swab and
20 the swab of the refrigerator were in the same container, they
21 could get cross-contaminated and that it was really no use in
22 sending it to him.

23 Q. And why were you swabbing the refrigerator that was in
24 Mr. Aldawsari's bedroom?

25 A. Because it had been in Mr. Alzahrani's place.

1 Q. And what were you swabbing it for? The presence of what?

2 A. The presence of some chemical.

3 Q. As the case agent, were you responsible for reviewing and
4 analyzing all of the evidence in this case?

5 A. Yes.

6 Q. And did you prepare materials reflecting the information
7 that you abstracted from the evidence?

8 A. Yes, I did.

9 Q. Let's go ahead and talk about Mr. Aldawsari's writings.
10 Did you prepare materials summarizing the evidence that you
11 extracted from his writings?

12 A. I did.

13 Q. And are those going to be Government's Exhibit No. 298
14 through 303?

15 A. Yes, sir.

16 Q. Did you prepare these exhibits?

17 A. Yes, I did.

18 Q. And does this reflect information that you extracted from
19 Government's Exhibit No. 198, 123, 125, 127, 129, 131 and 133?

20 A. Yes, sir.

21 MR. HAAG: Your Honor, at this time move to admit
22 Government's Exhibit No. 298 through 303.

23 MR. COGDELL: Same position, Your Honor. Other than
24 that, no objection.

25 THE COURT: They are received, No. 298 through 303.

1 Q. (BY MR. HAAG) Now, before we talk about some of the
2 relevant information from the journals, did Mr. Aldawsari
3 write about other things as well?

4 A. Yes, he did.

5 Q. And what are some of the other things Mr. Aldawsari would
6 write about in his journals?

7 A. He would write goals and objectives that he might have.
8 He would plan out his week or his day or his week. He would
9 plan out financial objectives. He wrote love poetry, and
10 other poems.

11 Q. Let's go ahead and talk about the evidence relevant here
12 today. Let's look at Government's No. 298, which is going to
13 tie onto Government's No. 123. And we will go ahead and look
14 at the actual evidentiary version of Government's -- We are
15 going to start with Government's No. 123.

16 MR. HAAG: So if you would bring up Government's
17 No. 123. And we are going to start at page 4, please. I am
18 sorry. When I reference page numbers, it is going to be the
19 number on the original document, so it is going to be one
20 number up from what you pull up.

21 THE WITNESS: It would be page 5.

22 MR. HAAG: It should be page No. 5. There we go.
23 Let's look at this first journal entry.

24 Q. (BY MR. HAAG) Would you please read the date?

25 A. It is Friday 16 July, 2010.

1 MR. HAAG: Okay. And would you please just
2 highlight that center paragraph?

3 THE WITNESS: The center paragraph he is talking
4 about conducting jihadi operations within the United States
5 and things that are coming to mind that America must be
6 punished.

7 Q. And let's go ahead -- If you would please read the
8 journal entry all the way until the last sentence. Or just
9 before the last sentence. I apologize.

10 A. "Strong and resounding jihadist operations in the United
11 States of America are on" --

12 Q. I am sorry. If you will just slow down for just one
13 second for the court reporter and read a little bit slower.

14 A. "Strong and resounding jihadist operations in the United
15 States of America are on my mind; this American people who
16 paid taxes which serve the occupying American military, and
17 elected the councils that decree their terrorist decisions
18 must be punished and taught a hard lesson it will never
19 forget. Amongst these operations is targeting the huge human
20 gatherings in the streets and squares of the big cities like
21 New York."

22 Q. And then that last sentence, what does it state?

23 A. "The plan is as follows."

24 Q. And with regard to the rest of the entry --

25 MR. HAAG: If we can go ahead and full back out and

1 look at the entire page.

2 Q. (BY MR. HAAG) Does it set forth a step by step plan for
3 an operation in the United States?

4 A. Yes, it does.

5 MR. HAAG: And we will go ahead and if you will turn
6 to the next page, please, page 6. And we will turn to page 7.
7 And we will turn to page 8.

8 Q. (BY MR. HAAG) Does page 8 summarize the previous pages
9 that sets out the various steps?

10 A. Yes, it does.

11 Q. Would you please read that summary that is listed here on
12 page 8?

13 A. Yes, sir. "A simple summary of the steps of the
14 operation. 1, reliance on God and asking him for success. 2,
15 falsifying a birth certificate in America," in parentheses,
16 "more than one certificate for one person. 3, obtaining an
17 American passport and driver's license," in parentheses, "more
18 than one.

19 "4, residing in New York," in parentheses, "the same city
20 for a period not less than a week from the day of the
21 operation. 5, reserving the large car through the internet.
22 6, rental offices should be in New York City only.

23 "7, changing the clothes and the outer appearance before
24 driving any car," in parentheses, "clothes-different facial
25 appearance-different license for each car. 8, preparing the

1 bombs that can be detonated remotely. 9, taking the cars to
2 the place where the bombs are and booby-trapping them.

3 "10, driving the cars each separately with different
4 times in between each car and the other. 11, parking the cars
5 in the determined places hours before the time of the
6 operation," in parentheses, "rush hour. 12, leaving the city
7 to a safe place and remotely detonating the cars during rush
8 hour."

9 And it is signed Abu-Zidan Al-Najdi.

10 Q. And this would be in early or middle July of 2010. Is
11 that correct?

12 A. Yes, sir.

13 Q. Let's go ahead and turn to page No. 17. What is the name
14 of this journal entry?

15 A. This is Tuesday 17 August of 2010.

16 Q. And starting where it says, "O Lord of heavens and earth"
17 about in the middle of the paragraph, did you find that
18 portion?

19 A. Yes, sir.

20 Q. Would you please read that sentence?

21 A. "O Lord of heavens and earth, the living and the
22 subsisting one, facilitate for me the path of jihad for your
23 sake, and grant me martyrdom for your sake."

24 Q. Let's turn to page 22. And looking at the first
25 paragraph over on the far left side where it begins "many

1 targets," would you please read the end of the paragraph
2 there.

3 I am sorry. What is the date of this journal entry? I
4 apologize.

5 A. Friday, September 24th, 2010.

6 Q. Okay. If you would with starting with "many targets" and
7 read to the end of the paragraph.

8 A. "Many targets are on my list and the source of the power
9 of carrying them out is bombs and explosives. I will work and
10 do my best to get to be able manufacture smart bombs and
11 explosives."

12 Q. Skip that "afterwards" paragraph, and moving on and read
13 the first sentence of the last paragraph.

14 A. "After determining the suitable place, I will start
15 executing jihadist operations in their various forms in the
16 United States and that is after the precise and detailed
17 planning."

18 Q. Let's turn to page 25, please.

19 A. Yes, sir.

20 Q. What is the date of this journal entry?

21 A. Sunday, November 21st of 2010.

22 Q. And looking over here on the right side where it says
23 "People," if you could start from there and read to the end.

24 A. "People around me might not know who I am and what I am,
25 but it is I, I am the one who will strike the head of the

1 infidels and the pharaoh of the age on his own grounds with a
2 strike that makes him forget his pleasures and his companions
3 so that my print, the print of jihad for the sake of God, will
4 become his permanent sorrow and his imagined savage terror and
5 permanent regret, leading to his forthcoming collapse with the
6 help and might of God."

7 Q. Let's go ahead and turn to the next page, page 26. What
8 is the date of this entry?

9 A. The date is Sunday, October 5th, 2010.

10 Q. And let's go down to this last paragraph here. And if
11 you would, please read this sentence here and the second
12 sentence up to "loved to."

13 A. Up to where, sir? Up to "loved to"?

14 Q. I am sorry. Right through "my childhood life was
15 normal." Start with "I would" and read up to there.

16 A. "I would like to touch on my life so it becomes clear why
17 I chose this path whose followers are few. My childhood life
18 was normal for I was a child who loved to."

19 Q. Let's go ahead and turn the page. And in general, is
20 this entry where Mr. Aldawsari sets forth the reasons for what
21 he is doing?

22 A. Yes, it is.

23 Q. Let's go ahead and we will blow this portion up. And
24 over here on the right side where it starts with "I," and if
25 you would read all the way until you get to "The

1 Palestinians," please.

2 A. "I took notice of a complicated matter. I did not know
3 of its existence and its circumstances which is the
4 Palestinian cause. This came to be when I watched a Syrian
5 movie which I believe was produced in 1994 AD discussing the
6 tyranny of the Zionist Jews and their oppression of my
7 brothers in God, my brothers in Islam and Arabism, the
8 Palestinians."

9 Q. And right here where it begins "It is natural," would you
10 please read that until the end of the page?

11 A. "It is natural that whoever hates Israel hates America,
12 its main supporter, and the one who favors Israel in secret
13 and in public, to a point where I wished the mujahedeen can
14 reach her and destroy her head. It did not take long for me
15 to see the two blessed assaults, New York and Washington, so I
16 tasted joy and happiness as the infidel Americans and their
17 supporters tasted sorrow and terror."

18 Q. Let's go ahead and turn the page, please. And the
19 journal entry we will look right here starting across that
20 portion that says "So," if you would read from there until the
21 end of the paragraph.

22 A. "So it became evident to me the truth of what the jihad
23 people said from the sheikh Osama bin Laden, may God protect
24 him, to the statements of the sheikh Aya al-Zawahiri, may God
25 protect him and others."

1 Q. And going onto the next paragraph where it starts "so,"
2 would you read that to the end of the page?

3 A. "So I planned and decided to go to America for jihad for
4 many reasons, most important of which is that I could not
5 mobilize to Iraq or Afghanistan, and also that striking the
6 head of the infidels and the pharaoh of the age, America, on
7 her own ground, has a special taste, whereas it will show to
8 them that the mujahedeen are capable of reaching them and
9 killing them like they kill Muslims around the world."

10 Q. Let's go ahead and turn the page and it continues here.
11 And if you would read starting with "this" up until "Aramco
12 companies."

13 A. "This is why I studied diligently in my high school in
14 order to secure an opportunity for a scholarship to America,
15 one of those which were offered by the Saluli government and
16 its companies. Therefore, I applied to the SABIC and Aramco
17 companies."

18 Q. And we will skip to where it begins "I chose SABIC," and
19 read until the end of the paragraph?

20 A. "I chose SABIC for two reasons. The first one is that
21 SABIC sends the students directly to America, unlike Aramco
22 which mandates that its students study for one year inside the
23 Land of the Two Sanctuaries. The second one is that SABIC's
24 financial stipend is the highest, something that will help me
25 very much in securing what support I need for jihad, Almighty

1 God willing. As for now, after mastering the English
2 language, learning the manufacturing of explosives, and
3 continuous planning to target the infidel Americans, the time
4 for jihad has arrived. I rely on God; he is the best Master
5 and Help."

6 And it is signed Abu Zidan Al-Najdi.

7 Q. Let's go ahead and turn to page 36, please. Here we have
8 a poem. Would you please read the first four lines of this
9 poem?

10 A. Yes, sir. "I will strike America with my munitions.
11 Even if given just a sling and a rock. I will fight the
12 infidels even if I am one individual. So my duty is fulfilled
13 and I am found victorious."

14 MR. HAAG: If we could scroll up. Stop right there,
15 please.

16 Q. (BY MR. HAAG) Where it says "Nearing is our
17 appointment," would you read the next four lines please?

18 A. "Nearing is our appointment. Nearing is our meeting and
19 the victory. I promised my Lord jihad and did not go back on
20 my promise, did not breach or betray."

21 Q. Please turn to page 38. And right here where it begins
22 "praise to," would you please read from praise to up to
23 success of God?

24 A. "Praise to God, I bought lab instruments, protective
25 clothing, and the chemical materials necessary for jihad,

1 except for one material which is the phenol substance; I will
2 be able to buy it sooner and not later, with the help, might,
3 and success of God."

4 Q. Down here where it begins "I pray," would you please read
5 that to the end?

6 A. "I pray that the Most High and Almighty God facilitate a
7 way for me for jihad, going out and memorizing His Book with
8 the interpretation, and to achieve martyrdom after killing a
9 multitude in the rank [sic] of the monkeys and the pigs."

10 And it is signed Abu-Zidan Al-Najdi.

11 Q. Turning to page 44. What is the date of this journal
12 entry?

13 A. This is Friday, February 11th, 2011.

14 Q. Would you please read this entry to the jury?

15 A. "I am close to obtaining the phenol substance which I
16 will use in manufacturing the picric acid, with the help and
17 strength of God, in addition to buying the rest of the
18 important materials like the glycerin, acetone, and hydrogen,
19 so I may use them in missions to please God, may He be
20 praised, and I hope this is so.

21 "On that day I was born and on it I will return in it in
22 order to fulfill the promises I took upon myself in secrecy
23 without witnesses, hoping by fulfilling them I will gain the
24 greatest victory in the promised day."

25 And it is signed Abu-Zidan Al-Najdi and Khalid Ali

1 Muhammad Al-Sufyan.

2 Q. Finally let's look at page 58, please. And what is the
3 date of the journal entry?

4 A. Tuesday February 22nd, 2011.

5 Q. How close is this entry to when Mr. Aldawsari is
6 arrested?

7 A. The day before.

8 Q. Would you please read what he writes on the day before
9 his arrest up until "His direction."

10 A. "I am, to God be the praised and gratitude, close to
11 manufacturing and producing the combustible picric acid,
12 whereas all that is left for me to do is to buy the pure
13 phenol substance which I will buy today, with the help of God
14 and His will, His success, and His direction."

15 Q. Let's look at Government's Exhibit No. 125 now. And
16 please go to page 29. Would you please read what
17 Mr. Aldawsari writes in this entry?

18 A. Yes, sir. "I thank God in the utmost manner, and I thank
19 Him with abundant thanks. I praise Him with the utmost
20 praise, glorified His name be, the one who ordained and
21 destined that I become among the humans who strike the head of
22 the infidels and who become victorious just as several Muslims
23 before me became victorious. I hope we are granted martyrdom,
24 the grand winning, the victorious winning."

25 And it is signed Abu-Zidan Al-Najdi.

1 MR. HAAG: Government's Exhibit No. 127, please.

2 Let's turn to page 18. And this is going to be in English.

3 If you would please highlight the middle portion here.

4 Q. (BY MR. HAAG) Where it starts, "Although I am," would
5 you read that up until "the U.S. Army"

6 A. "Although I am living in U.S., I still have a dream from
7 my childhood and this dream is continuing to appear as a
8 thoughtful vision to proceed and approach. However, this
9 dream is absolutely different from the American lifestyle,
10 because it's all about fighting the U.S. Army."

11 Q. Let's turn to page 24, please. What is the date of this
12 journal entry?

13 A. March 18th, 2010.

14 Q. Where it starts "But" I see," would you please read that
15 sentence?

16 A. "But I see that there is no freedom without jihad, so I
17 am moving forward with jihad for God's sake only and I ask God
18 for success."

19 And it is signed Mujahid Abu-Zidan Khalid Ibn Ali Ibn
20 Muhammad Ibn Ali Al-Najdi.

21 Q. Turn to page 25. We have here another planning. What is
22 the date of this journal entry?

23 A. This is March 19th, 2010.

24 Q. And what is this titled?

25 A. "The big plan."

1 Q. It states two goals here. What are the two goals that
2 Mr. Aldawsari sets out?

3 A. The first goal is "blowing up one of the nuclear reactors
4 or nuclear plants." And the second is "Killing a large number
5 of Americans, by the thousands."

6 Q. Under the strategies, would you please read the first
7 strategy?

8 A. "The targeted nuclear reactor must be near a
9 densely-populated area."

10 Q. Let's go ahead and move forward one page to page 26.
11 What is the date of this journal entry?

12 A. March 25th, 2010.

13 Q. And earlier -- Well, please read this paragraph.

14 A. "I, Abu-Zidan Al-Najdi, confirm my determination to kill
15 the infidel assailants. I no longer have an interest in life
16 of the world so I did not study hard as I did when I was in
17 the Land of the Two Noble Sanctuaries. The focus of my
18 interest is jihad for God's sake, which I will do in the near
19 future, hoping that God will reward me with the higher
20 paradise, and the hour is in the paradise of resort."

21 Signed Abu-Zidan Al-Najdi.

22 Q. And here in this journal entry it says, "I no longer have
23 an interest of life in this world so I did not study hard as I
24 did when I was in the Land of the Two Noble Sanctuaries." The
25 date of this journal entry in the academic calendar of Texas

1 Tech, when would this have been?

2 A. This would have been in the spring semester of 2010.

3 Q. Go ahead and turn to page 29. What is the date of this
4 entry?

5 A. April 11th, 2010.

6 Q. Would you please read this entry up until this last
7 portion?

8 A. "Jihad is a life that I want and desire for myself until
9 God the Almighty grants me martyrdom by which I will win the
10 grand prize. After watching interviews with sheikh Dr. Ayman
11 al-Zawahiri, I became more convinced with the truth and jihad
12 for the sake of God. With this logic and faith I will begin
13 jihad from here, from hostile America. Victory is near and
14 God is our Master who grants us victory."

15 Q. Go ahead and we will go to page No. 32, please. What is
16 the date of this journal entry?

17 A. This is April 14th, 2010.

18 Q. And would you please just read this first up to this
19 first little portion?

20 A. "Two notable ideas came to my mind."

21 Q. What is the second idea?

22 A. "The second idea is about blowing up the Dallas stadium
23 on the second of October of this year when Texas plays against
24 Oklahoma. It is expected that there will be more than eighty
25 thousand spectators. May God grant me to succeed in what he

1 likes and is pleasing to him."

2 It is signed Abu-Zidan Al-Najdi.

3 MR. HAAG: Turning to page 46, please. And let's go
4 ahead -- We can go down to the lower portion of this. And
5 stop right there, please.

6 Q. (BY MR. HAAG) And right where it starts "I confirm,"
7 would you please read those next four lines?

8 A. "I confirm the support to Usama, Islam's landmark and its
9 best Caliph, the one who raised my head with pride to offer
10 him loyalty and allegiance."

11 Q. And this last sentence of the poem?

12 A. "May God make us and you companions in Paradise."

13 Q. Turning to page 51 in the journal, and let's go ahead and
14 look at this first paragraph. What is the date?

15 A. This date is June 5th, 2010.

16 Q. How does the first paragraph read?

17 A. "I realize now that it is possible to kill the Americans
18 directly in their own land, and to repeat the process more
19 than once. In spite of that, I will repeat the experiments
20 and research until I find the best and most ideal way."

21 MR. HAAG: Let's go down. If we could scroll up,
22 please, to the last paragraph, and stop right there.

23 Q. (BY MR. HAAG) And where it begins "Like the," would you
24 please read that until the end of the paragraph?

25 A. "Like the fundamental ideology," in parentheses,

1 "Al-Qa'ida's ideology, WHOEVER believes in it will do whatever
2 it tells him instinctively and voluntarily, without meeting
3 the boss, the chief, the leader, or any other person with
4 similar titles."

5 Signed Abu-Zidan Al-Najdi.

6 Q. Let's turn to Government's Exhibit No. 129, please, page
7 21. Would you please read this first paragraph?

8 A. "I will crush America and force its nose in the dust by
9 harming her. There will be grave, long-term harm whose
10 treatment is difficult as these attacks will be like planting
11 a virus in America's ill body, hoping that this virus will
12 destroy America, but after a long conflict which is full of
13 pains and constant aches. God is our Master and they have no
14 Master."

15 Q. Turning to page No. 27. And would you read this first
16 sentence?

17 A. "I begin from here to direct some advice to my brothers
18 who belong to the jihadist current and Al-Qa'ida."

19 Q. Turning to page 32. What is the date of this journal
20 entry?

21 A. Friday June 18th, 2010.

22 Q. And this continues on this page and the next page. What
23 is this styled?

24 A. It is styled "A letter to the American people."

25 Q. Would you please read what Mr. Aldawsari writes to the

1 American people starting with "No peace to you."

2 A. "No peace to you, O infidel people. In this letter of
3 mine I resort to brevity and clarity. Maybe your animal minds
4 will understand it and learn its message and goal. O lowly
5 people, the men of the Muslim nation have addressed letters of
6 peace and tolerance on top of which was Sheikh Usama bin
7 Laden's, may God and protect him, and they have in their
8 previous letters taken the path of honesty and leniency. But,
9 what is the way to your hearing when you blocked your ears
10 with mud! After your killing of millions of safe civilian
11 Muslims without cause, something which represents nothing
12 other than the baseness of the American civilization which is
13 based on the discrimination and treating the nations
14 carelessly with a condescending animal look. The reason is
15 the violations which you committed against us, the Muslim
16 nation. Therefore, we see no solution other than the solution
17 of blood, which we pour over your ears to remove the mud,
18 making them listen to us now."

19 MR. HAAG: Turn the page, please. Would you please
20 highlight that last paragraph right there?

21 Q. (BY MR. HAAG) And please read the last of the letter?

22 A. "This warning is directed to the American people before
23 the government, as it is the one which appointed it to run the
24 corruption in Kandahar and Baghdad. I swear by the Almighty
25 All-high God that, by continuing the violations, chief among

1 which is the support of Israel, America will get nothing
2 except killing and horror, and that it will have no supporter
3 or backer after that. We have relied on God. He is the best
4 Master and Provider."

5 Signed Abu-Zidan Al-Najdi.

6 Q. Turn to page 42, please. What is the date of this
7 journal entry?

8 A. June 23rd, 2010.

9 Q. Would you please read the first sentence?

10 A. "Day after day my passion for jihad increases, to knock
11 on its doors, and to inquire about its needs to satisfy them,
12 even it cost me my life."

13 Q. Let's turn to the next page, page 43. What is the date
14 of this journal entry?

15 A. June 23rd, 2010.

16 Q. And would you please read just this sentence that says
17 "However, this time"?

18 A. "However, this time, America will be the mujahedeen's
19 destination to carry out the unfulfilled duty, jihad."

20 Q. And where it starts here with "By," would you please read
21 that?

22 A. "By opening another front for jihad will make America,
23 government and people, more frightened and it might even lead
24 to the withdrawal of the U.S. forces from Muslims' nations,
25 and at the least from Iraq and Afghanistan. This is because

1 when jihad is on American land, under its sky and the midst of
2 its people and government, it will be harder for the U.S.
3 forces to use the methods of war that they got accustomed to
4 using against Muslims in Iraq and Afghanistan as the victims
5 of these methods," and in parentheses, "indiscriminate
6 barbaric bombardment, phosphorus bombs, nuclear heads, et
7 cetera," end parentheses, "will be the American people and no
8 one else."

9 Q. Turning to page 53 in the journal. Would you please read
10 what Mr. Aldawsari writes in this journal entry?

11 A. It starts off "The Dallas game."

12 "Buy a ticket that is higher than the excellent tickets.
13 This ticket must be very far," in parentheses, "the seat, in
14 case of being questioned and stopped by a policeman, it can be
15 shown to him to mislead. And then it says, "A content heart
16 and teary eyes." And at the bottom, "Studio 6 in Dallas,
17 Texas, because it has a kitchen."

18 Q. During the course of the evidence that we presented here
19 today, has the name Studio 6 come up before?

20 A. Yes, it has.

21 Q. Where would it come up before?

22 A. Studio 6 would have come up on the -- Studio 6 today came
23 up from the receipt from Studio 6 when he stayed there on
24 April -- The night of April 5th to April 6th, 2010.

25 Q. Let's go ahead and go to Government's Exhibit No. 121.

1 And before we talk about the relevant entries from this
2 journal, would you please give the jury an overview of what
3 the materials in this journal are going to be, for the most
4 part?

5 A. Yes. The Lacie thumb drive has the ALBRA -- I am sorry.
6 That is the last four letters of the different videos in that
7 series which are basic lessons on explosives, different types
8 of explosives and how to make your detonators, things along
9 those lines.

10 Starting on November the 12th, I believe it is, in the
11 blue journal here, he starts with lesson 1 and he continues
12 going through lesson 10. He takes different series and he is
13 taking notes in this journal as he is watching the video
14 series.

15 Q. And we are going to go through much more of this when we
16 talk with Special Agent Whitworth and Special Agent
17 Mothershead when we talk about the explosives and chemistry
18 experts. Is that correct?

19 A. That is correct.

20 MR. HAAG: Let's talk about a couple of things here
21 today. If you will turn to page 3 in the blue Mead journal,
22 and if you will blow up this first paragraph here, please.

23 Q. (BY MR. HAAG) And where it says "Therefore," would you
24 please read that sentence?

25 A. "Therefore, I will begin jihad from right here, the land

1 of infidelity, and I will not leave a person-human or
2 genie-unless is fear-strike even by the honest monotheistic
3 worshippers of God."

4 Q. Does he go on to list several steps in a plan?

5 A. Yes, he does.

6 Q. Let's go ahead and talk about a couple of those. First
7 of all, Step 2, would you please read what Step 2 is?

8 A. "I must determine the areas where American soldiers are
9 present in all the neighboring and surrounding cities. I will
10 select THE suitable places according to the following. The
11 large number of soldiers, the suitability of the place in
12 regards to being free of surveillance cameras in the
13 surrounding streets, low population density and movement
14 around the targeted place."

15 Q. No. 3?

16 A. "I must learn the manufacturing and remote detonation of
17 explosives using communication devices and the like."

18 Q. And finally No. 5.

19 A. "All operations must be highly secretive. No one should
20 be informed about them at all, even the close ones."

21 Q. Let's go ahead and turn -- We are going to go forward.
22 Can we go to page 68, and then we will go backwards.

23 Was there another journal entry that talks about
24 Mr. Aldawsari's plans?

25 A. Yes.

1 Q. Would you please read what is written on this entry?

2 A. "To blow up a stadium, explosives can be placed in the
3 popcorn. This is done before entering the stadium as the
4 explosives are inside the clothes. We go to the restroom or
5 to the car and we put them in the popcorn."

6 Q. Let's go ahead and take a look at some of the pages from
7 the blue Mead. Let's go to page 24, please. Would you please
8 read this sentence right here?

9 A. "Acetone peroxide is one of the easiest materials in the
10 manufacturing of explosives."

11 MR. HAAG: And if we could scroll up.

12 Q. (BY MR. HAAG) And starting with "Its composition," would
13 you please read that out?

14 A. "Its composition hydrogen peroxide plus acetone plus," in
15 parentheses "nitric acid, sulfuric or hydrochloric acid."

16 Q. And on the left side, would you please read that writing?

17 A. "It is used to dye hair blond. There might be oxygen or
18 hydrogen written on its box. It is used as an antiseptic for
19 wounds."

20 Q. And there is an arrow that comes down from H2O2, and then
21 this. Do you recognize what this is correlated with?

22 A. With the hydrogen peroxide.

23 MR. HAAG: Let's go ahead and turn the page and just
24 look at 25. We won't discuss it but if we can just highlight
25 it here.

1 Q. (BY MR. HAAG) Does the journal entry then go in to
2 discuss the way to produce acetone peroxide?

3 A. Yes, it does.

4 Q. Go ahead and turn the page to page 26. And starting up
5 here, would you please read that paragraph?

6 A. "Acetone is available in markets and in pharmacies and it
7 is used as a nail polish remover for women. It is considered
8 an organic solvent and it is volatile like benzene. It is
9 used in cleaning refrigerators pipes. Therefore, it can be
10 purchased from their stores."

11 MR. HAAG: Let's move forward to page 36, please.

12 And this side over here, if we could enlarge that.

13 Q. (BY MR. HAAG) What does this sentence read here?

14 A. "Electric blasting cap detonation methods."

15 Q. What are the methods that are listed here below "electric
16 blasting cap detonation methods"?

17 A. It states, "Most important," and then it lists "remote
18 control, phone landline, sonar, mobile, wireless, wires, and
19 timing like clocks."

20 MR. HAAG: And if we could scroll over to the right,
21 please.

22 Q. (BY MR. HAAG) Do you see anyone's name written out along
23 the side?

24 A. Yes. There is both Abu-Zidan Al-Najdi and Khalid Ali-M
25 Aldawsari.

1 Q. Turn to page 48, please. And would you please read this
2 sentence here?

3 A. "The experiment must be read several times before
4 beginning the work."

5 Q. And again this will be discussed in a little more detail
6 later on. Is that correct?

7 A. That is correct.

8 MR. HAAG: If you can pull up, please, Government's
9 Exhibit No. 303. And we are going to go to page 3 of that
10 slide. If you will highlight that page. We will do the
11 first -- the top half first.

12 Q. (BY MR. HAAG) Were you able to make any correlations
13 between the journal entries and the emails and the items of
14 evidence recovered from Mr. Aldawsari's apartment?

15 A. Yes, I was.

16 Q. Would you please walk the jury through this first one on
17 the protective gear?

18 A. Yes. These first three entries right there, they come
19 from the blue Mead Five Star notebook, which he took the
20 courses back in November. The first one states "Mass covering
21 both nose and mouth must be used." The second one,
22 "Experiments must be conducted in an open area as they are
23 harmful to the chest and breathing." And the third one,
24 "Always turn your back to the flow and the direction of the
25 air so that gasses won't flow to your body."

1 And at the top box there, the boxes in white are emails.
2 That was an email dated January 20th of 2011 and it was the
3 lab clothes email. It is a subject and it lists gas mask as
4 No. 1, chemical and coverall and then shoes and clothes, et
5 cetera.

6 Right here is dated January 22nd, 2011. The subject is
7 "Your eBay bid is confirmed on the U.S. M42 gas
8 mask/protective mask," and the body of the email stated that
9 he was currently the high bidder. "You are currently the high
10 bidder."

11 Q. And were you able to discover items that correlated to
12 this in Mr. Aldawsari's apartment?

13 A. Yes. The gas mask -- He was the high bidder, but the gas
14 mask was taken off of the eBay bid so he -- It was taken off
15 the market, basically, so he did not get the gas mask, but
16 what he did have in his possession was the dotted arrow line
17 that goes a little bit further down there, those are going to
18 be surgical masks that he had in his apartment.

19 Q. In addition to the right of the surgical mask, did you
20 also recover another item of evidence?

21 A. Yes; the hazmat suit.

22 MR. COGDELL: Pardon me. I am not sure that the
23 Government has offered Exhibit No. 303. It is in? Okay. I
24 wasn't aware of that. Sorry. At some point, Judge, some of
25 this is 403. It is cumulative. All this evidence is

1 independently --

2 THE COURT: When we get there make your objection
3 and I will rule, but No. 303 is in.

4 MR. COGDELL: Yes, sir.

5 Q. (BY MR. HAAG) Please continue.

6 A. Okay. The next blue box below that states, "No
7 experiments are to be carried out with [sic] gloves.
8 Dishwashing gloves can be used." And then there is the
9 picture of dishwashing gloves that were underneath his kitchen
10 cabinet, but also the hazmat suit has rubber gloves on it.
11 And then the final blue Mead Five Star entry there states,
12 "Protective eyewear, goggles, must be worn when carrying out
13 the experiments." Once again in his backpack were the
14 goggles, and the hazmat suit also has a protective face mask.

15 MR. HAAG: Go to page 4, please. And let's go ahead
16 and do the top portion looking at -- Right here.

17 Q. (BY MR. HAAG) And what is over here on the left side?

18 A. On the left side where the Lacie thumb drive videos, at
19 the top there, I call it Saek-ABRA one and two. It is Saek 1
20 and Saek 2. And they are "Learn how to make a detonator,
21 parts 1 and 2." So this video -- This picture was taken from
22 the video clip that is a still picture and it shows who we
23 call the masked chemist or masked instructor holding a
24 voltmeter in his hand or amp meter, and I believe off of that
25 right above there is a note in his blue Mead Five Star, "We

1 use a voltmeter or an amp meter to test the strength and
2 resistance of the electric wires. The voltmeter checks the
3 filaments," and puts in parentheses "the lightbulb filaments,
4 without using its energy."

5 MR. HAAG: And we will go ahead and scroll down. Go
6 ahead and skip through the email portions where those also
7 have instructions.

8 Q. (BY MR. HAAG) Did you recover a voltmeter or a
9 multimeter from Mr. Aldawsari's apartment consistent with the
10 journal entry in the video?

11 A. Yes, we did.

12 Q. And where is that depicted?

13 A. In Exhibit No. -- Right there.

14 Q. And are those images consistent with the image from the
15 video No. 311?

16 A. Yes, it is.

17 Q. Let's go ahead and go to the next page, please. And we
18 will talk about this slide. Were you able to make any
19 correlation between the entries in the blue Mead journal and
20 the videos on the Lacie thumb drive?

21 A. Yes, I was.

22 Q. If you would discuss the correlation as depicted here.

23 A. On this video, we have -- The individual here is drawing
24 on these three tubes right here on the white board, and in
25 Mr. Aldawsari's journal entry he has got the picture of the

1 three tubes right there. It is also in Mr. Aldawsari's
2 journal entry, it is dated lesson five, making blasting caps.

3 MR. HAAG: Let's scroll down. Let's give one more
4 example of correlation. Let's go to the last one.

5 Q. (BY MR. HAAG) That is a little more clear. And what is
6 on the left and what is on the right?

7 A. On the left is a picture of a lightbulb that was drawn on
8 the white board, and on the right was the picture of the
9 lightbulb that has a lot of similarity to the one on the left
10 that was drawn in Mr. Aldawsari's journal.

11 MR. HAAG: Let's go to page 6, please.

12 THE COURT: Let's take a short ten-minute break. We
13 have been going for a while.

14 (Whereupon, the jury left the courtroom.)

15 THE COURT: How much more of this do we have?

16 MR. HAAG: Probably about another 20 or 30 minutes,
17 Your Honor.

18 THE COURT: Is the jury going to see all this again
19 in closing arguments?

20 MR. COGDELL: Not if you only give him 15 minutes to
21 close.

22 MR. HAAG: They will see a few of these exhibits
23 again, Your Honor, yes.

24 THE COURT: This is beginning to me to be more
25 argument than it is a presentation of evidence.

1 MR. HAAG: I will shorten it up, Your Honor.

2 THE COURT: Let's see if we can move it along.

3 Okay?

4 MR. HAAG: Yes, Your Honor.

5 THE COURT: Okay. Ten minutes.

6 (Brief recess.)

7 THE COURT: May we approach for a matter, Judge?

8 (Discussion at the bench, out of the hearing of the
9 reporter.)

10 THE COURT: All right. Bring them in, please.

11 (Whereupon, the jury entered the courtroom.)

12 THE COURT: All right. You may all be seated.

13 Mr. Haag?

14 MR. HAAG: Thank you, Your Honor.

15 Q. (BY MR. HAAG) Looking at page 6 of Government's Exhibit
16 No. 303, we are going to talk about one more example. And if
17 you would, would you please read the journal entry from blue
18 Mead Five Star "Pyrex"?

19 A. Yes. The journal entry states, "In order to prepare the
20 experiments, glass lab equipment must be purchased and not in
21 any glass. It is preferred that it is the Pyrex brand which
22 has a square on it."

23 Q. Is there an illustration of that in the journal as well?

24 A. Yes. That is the illustration from the journal.

25 Q. Is that consistent with the pictures from the videos on

1 the Lacie thumb drive?

2 A. Yes. That video is how to make picric acid video, and
3 those are taken from that video.

4 MR. HAAG: And scrolling on down, we will skip over
5 the email portions. And stop right there, please.

6 Q. (BY MR. HAAG) Did you discover in Mr. Aldawsari's
7 possession any of the Pyrex brand glassware discussed in the
8 journal entry?

9 A. Yes. The Erlenmeyer flask had the Pyrex brand.

10 Q. You should also have before you now Government's Exhibit
11 No. 304 through 308 and 423 through 424. Did you prepare
12 these summaries as well, sir?

13 A. Yes, I did.

14 Q. And do these exhibits fairly and accurately summarize the
15 information you extracted from the exhibits in this case?

16 A. Yes, they do.

17 MR. HAAG: At this time move into evidence
18 Government's Exhibit No. 304 through 308 and 423 through 424.

19 MR. COGDELL: If I may have just a moment, Your
20 Honor. No. 304 through 308?

21 MR. HAAG: Yes, sir. No. 304 through 308 and 423
22 and 424.

23 MR. COGDELL: With the understanding of the sequence
24 we talked about earlier, Your Honor, no objection.

25 THE COURT: Without objection No. 304 through 308,

1 423 and 424 are received in evidence.

2 MR. HAAG: Thank you, Your Honor.

3 Q. (BY MR. HAAG) We are just going to talk about one of
4 those exhibits here this afternoon.

5 MR. HAAG: If we could pull up Government's Exhibit
6 No. 305, please.

7 Q. (BY MR. HAAG) And let's go ahead and talk about a
8 timeline that you prepared with regard to the nitric acid
9 order. And starting over here on the left, if you would walk
10 the jury through this.

11 A. Yes. On October 28th, 2010 he downloaded lessons and
12 instruction of the cross explosive video series which included
13 the picric acid video, which we have as Exhibit No. 170.
14 Below that is a still picture from Exhibit No. 170. And on
15 the right hand side of that is nitric acid.

16 From watching the video series, in the blue Mead Five
17 Star notebook on page 7 he writes, "Picric acid is the best of
18 the semi-sensitive materials as far as safety is
19 concerned." The entry next to that states, "The two most
20 important acids that must be obtained, 1, concentrated
21 sulfuric acid, 98 percent concentration, and 2, concentrated
22 nitric acid."

23 On the 8th of December, 2010, he did a Google query for
24 picric acid at 2:17 a.m., and later that day at 11:05 p.m. he
25 did a Google query for "buy concentrated nitric acid." That

1 led him to a web click at boilandcoolingwater.com.

2 MR. HAAG: Scroll up, please.

3 THE WITNESS: He then emailed himself the address
4 for boilerandcoolingwater.com, and actually ordered the nitric
5 acid through an online purchase from QualiChem. He then
6 received a confirmation email from QualiChem and emailed the
7 himself the order number.

8 He then received the email from QualiChem that they could
9 not ship the product to an apartment because it was a
10 hazardous material and they needed a business or university
11 address. Mr. Aldawsari then looked up FedEx Lubbock, Texas as
12 a Google query and did a web click on FedEx in Lubbock, Texas
13 below that.

14 He then sent an email back to QualiChem stating, "You can
15 ship it to," and he gave the 803 University Avenue address,
16 which is the address of a FedEx Kinkos in Lubbock. Two days
17 later he --

18 Q. (BY MR. HAAG) We have already been through this series
19 of emails. Let's go ahead and go on. Is this a series of
20 emails that we previously discussed with Mr. Zajac?

21 A. Yes, it is.

22 MR. HAAG: Let's go on to the next page, please.

23 Q. (BY MR. HAAG) What is the next in the chain of events?

24 A. The next email, he is talking about being unable to find
25 his item, and he places a call to Mr. Zajac and then receives

1 a return email on the 17th of December, 2010 that states the
2 order is being shipped via Con-Way.

3 He then places two more calls on the 18th of December of
4 2010 to Mr. Zajac, and then on the 20th of December, 2010, he
5 places two calls, one in the morning and one in the afternoon,
6 to Con-Way Freight. And then he goes to Con-Way Freight and
7 picks up the sulfuric acid -- rather, the nitric acid. And
8 the three pictures below are photographs taken from the search
9 warrant execution.

10 MR. HAAG: No further questions, Your Honor.

11 THE COURT: All right. Ladies and gentlemen, we
12 will start fresh in the morning with cross examination by
13 Mr. Cogdell. We are going to leave a little early today, but
14 you will still get the whole \$40.

15 So anyway, thank you very much. Please drive carefully.
16 See you at 9:00 tomorrow. Remember, not even with your
17 nearest and dearest, I will see you tomorrow morning. Thank
18 you.

19 (Whereupon, the jury left the courtroom.)

20 THE COURT: Court is in recess until 9:00 in the
21 morning.

22 (The proceedings were concluded at 4:25 p.m.)
23
24
25

1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts 06/25/2012

10 _____DATE_____
11 SHAWN McROBERTS, RMR, CRR
12 FEDERAL OFFICIAL COURT REPORTER
13
14
15
16
17
18
19
20
21
22
23
24
25